PLANNING COMMISSION AGENDA

CITY OF NEWPORT BEACH COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD Thursday, January 20, 2011 Regular Meeting - 6:30 p.m.

EARL MCDANIEL Chairperson

ROBERT HAWKINS

FRED AMERI

CHARLES UNSWORTH

MICHAEL TOERGE

BARRY EATON

BRADLEY HILLGREN

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

JAMES CAMPBELL, Acting Planning Director

LEONIE MULVIHILL, Assistant City Attorney

PATRICK ALFORD, Planning Manager

TONY BRINE, City Traffic Engineer

JAY GARCIA, Senior Planner

FERN NUENO, Assistant Planner

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Planning Department staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: http://www.newportbeachca.gov.

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA Council Chambers – 3300 Newport Boulevard Thursday, January 20, 2011

REGULAR MEETING 6:30 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to 3 minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

- E. REQUEST FOR CONTINUANCES
- F. CONSENT ITEMS

ITEM NO. 1 Minutes of December 9, 2010

ACTION: Approve and file.

G. PUBLIC HEARING ITEMS

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Department located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 2 Hoag Hospital Covered Walkway (PA2010-148)

One Hoag Drive

SUMMARY: Hoag Hospital proposes the construction of an approximately, 210-foot-long,

covered walkway that extends from the south parking structure to the south entrance of the main hospital building. A portion of the covered walkway exceeds the permitted height within the Parking Area Height Limitation Zone established by the Planned Community District Regulations. Therefore a variance is required to approve the increased height. The variance is for a 55-foot-long portion of the walkway that is 6 to 10 feet higher than permitted within the Parking Zone Height Limitation Area (80-foot height limit measured above Mean Sea Level, 80 MSL). The parking structure is currently constructed at or near the maximum height limit.

CEQA

COMPLIANCE: The project is categorically exempt under Section 15303 of the California

Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or

Conversion of Small Structures). The addition of the covered walkway/canopy is consistent with this designation.

ACTION: 1) Conduct public hearing; and

2) Adopt Resolution No. ____ approving Variance No. VA2010-003 with the attached Findings and Conditions (Attachment No. PC 1).

ITEM NO. 3 Johnson Residence (PA2010-176)

1537 Santanella Terrace

SUMMARY: The application consists of a code amendment to change a front setback

established on Setback Map No. S9A- Irvine Terrace from 34 feet to 19 feet, to

accommodate a proposed addition to the existing single family dwelling.

CEQA

COMPLIANCE: The project is categorically exempt under Section 15305, of the California

Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations). The project involves a change in front setback established on a

Setback Map, which is consistent with this exemption.

ACTION: 1) Conduct public hearing; and

2) Adopt Resolution No. ____ recommending City Council adoption of Code Amendment No. CA2010-010 (Attachment No. PC2) to revise Setback Map No. S9A- Irvine Terrace (Attachment PC3) to establish a 19-foot front

setback at 1537 Santanella Terrace. Lot 28 of Tract 1701.

ITEM NO. 4 F & M Bank Parking Waiver (PA2010-141)

2421 East Coast Highway

SUMMARY: The applicant is applying for a conditional use permit requesting a parking waiver of

seven (7) spaces to allow the addition of approximately 450 square feet of gross

floor area to an existing 3,505-square-foot building.

CEQA

COMPLIANCE: The project is categorically exempt under Section 15301, of the California

Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities).

ACTION: 1) Conduct public hearing; and

Adopt Resolution No. ____ approving Conditional Use Permit No. UP2010-

031 (Attachment No. PC 1).

H. NEW BUSINESS

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 The Public Works Director will present an update as to the progress of the New City

Hall.

ITEM NO. 6 City Council Follow-up.

ITEM NO. 7 Planning Commission reports.

Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 9 Request for excused absences.

ADJOURNMENT

CITY OF NEWPORT BEACH

Planning Commission Minutes

December 09, 2010 Regular Meeting – 6:30 p.m.

ROLL CALL:

Commissioners Eaton, Unsworth, Hawkins, McDaniel, Toerge, Ameri, and Hillgren - all present.

STAFF PRESENT:

James Campbell, Acting Planning Director Patrick Alford, Planning Manager Leonie Mulvihill, Assistant City Attorney Gregg Ramirez, Senior Planner Makana Nova, Assistant Planner Fern Nueno, Assistant Planner Marlene Burns, Administrative Assistant Ruby Garciamay, Department Assistant

POSTING OF THE AGENDA:

The Planning Commission Agenda was posted on December 2, 2010.

PUBLIC COMMENTS:

T.K Brimer, Owner of the Frog House in Newport Beach, wanted to introduce himself to the Planning Commissioners. Mr. Brimer informed the Commission that he had filed for a Zoning Change and stated that he would follow-up with the Planning Department as to the status of the application.

Commissioner Hawkins announced that Speak Up Newport will have its Annual Mayor's Dinner, and that the event is scheduled for February 11, 2011. Commissioner Hawkins added that he was honored for his nomination and election as President of Speak Up Newport.

REQUEST FOR CONTINUANCES:

None

ITEM NO. 1 Approved

CONSENT ITEMS

SUBJECT: MINUTES of the regular meeting of November 18, 2010.

Motion made by Commissioner Hawkins and seconded by Commissioner Unsworth to approve the minutes as corrected.

Motion carried with the following vote:

Ayes: Eaton, Unsworth, Hawkins, McDaniel, Ameri, Hillgren, and Toerge

Noes: None

* * *

PUBLIC HEARING ITEMS

SUBJECT: The Landing Parking Management – (PA2010-166) 3101-3121 Newport Boulevard, 3100-3138 Balboa Boulevard

A use permit to waive three additional parking spaces for a total of eight of the required 243 parking spaces. The waiver would allow three outdoor dining patios in conjunction with eating and drinking establishments in the shopping center.

ITEM NO. 2 PA2010-166 Denied, later Approved* Makana Nova, Assistant Planner, gave a brief overview of the staff report with a PowerPoint presentation and responded to the Commission's questions and discussion regarding the following topics:

- Filing status of the application for Gina's Pizza.
- Rights to the parking spaces adjacent to Malarky's.
- Location of parking spaces designated for employees.
- Methodology of parking study and whether it included the parking spaces adjacent to Malarky's.
- Truck delivery route, ingress and egress established by the original use permit approval.
- Impact of table and seating in relation to the parking requirements.
- Methodology floor area calculations.
- Intensities and use of restaurants.
- Pedestrian volume.
- Security guard involvement.
- Possibility of a modification to a condition of a previously approved project.
- Location of bike racks.

Applicant Sean Whiskeman, Vice President of Retail Operations for Catellus Development Group, elaborated on the topics identified during the staff presentation and the subsequent Commission discussion.

Public comment period was opened.

Comments were given by the following residents from the surrounding neighborhood:

Joe Reiss - 30th Street

George Schroeder - 35th Street

Dan Purcell - Corona del Mar resident

- Truck delivery route should not be changed.
- Impact on the expansion of patio area.
- Impact of alcohol consumption.
- Hours of operation.
- Parking study was old; foresee parking issues in the future.
- Parking spaces are eight and not three.
- Negative impact for the residents in the area.
- Appreciation for consideration of bicycle racks in the discussion.

Public comment period was closed.

Commissioner Eaton stated that the middle sentence in F-3 from the Resolution should be deleted. Acting Planning Director, James Campbell, responded and concluded that the sentence should be changed to reflect that excess space will be deducted from the 15 percent.

Motion made by Commissioner Toerge and seconded by Commissioner Hillgren to adopt the Resolution approving Amendment No. 1 to Use Permit No. UP2010-002 with the following modifications to the resolution:

 Modify Facts in Support of Finding No. F-3 to read, "The three parking spaces required for outdoor patios area in excess of 25 percent of the interior net public area (586 square feet) are waived. The patio floor area in excess of the 25 percent allowance will be deducted from the 15 percent of gross floor area limitation for eating and drinking establishment uses. This will help ensure that parking demand is similar to what was concluded in the parking study."

 Modify Conditions of Approval No. 4, to read, "The three parking spaces required for outdoor patio areas in excess of 25 percent of the interior net public area (586 square feet) are waived. The patio floor area in excess of the 25 percent allowance will be deducted from the 15 percent of gross floor area limitation for eating and drinking establishment uses."

General discussion of the motion ensued.

Commissioner Hawkins added the following modifications:

- Modify Facts in Support of Finding E-1 to read, "The three space parking waiver for the proposed outdoor dining patios would not be detrimental to the harmonious and orderly growth of the City and will contribute rather than hinder public convenience. The three space parking waiver for the outdoor patios does not jeopardize the health, interest, safety, or general welfare of residents in the vicinity."
- Modify Facts in Support of the Finding B-3 to read, "The project includes conditions of approval to ensure the welfare of the surrounding community. All eating and drinking establishments will be required to obtain separate use permits. Any separate discretionary approvals will regulate the operation of the specific use within the project site. Nothing in this resolution and or conditions ensures any square footage for outdoor dining for any restaurant use or application."
- Addition of the following Condition of Approval to read, "All eating and drinking establishments will be required to obtain separate use permits. Any separate discretionary approvals will regulate the operation of the specific use within the project site. Nothing in this resolution and or conditions ensures any square footage for any restaurant use or application".

Commissioner Unsworth included the following modification:

 Addition of the following Condition of Approval to read, "The maximum allowable square footage for eating and drinking establishments shall be 15 percent of 47,878 square feet (7,182 square feet)."

Maker of the motion, Commissioner Toerge, agreed to the additional modifications.

Motion failed with the following vote: (*Please note that Item No. 2 was reconsidered and ultimately approved later in the evening).

Ayes: Toerge, Eaton, and Hillgren

Noes: Unsworth, Hawkins, McDaniel, and Ameri

* * *

SUBJECT: Chipotle Mexican Grill – (PA2010-096)

3101 Newport Boulevard

A use permit and accessory outdoor dining permit to allow a take-out service eating and drinking establishment with a Type 41 (On Sale Beer and Wine, Eating Place) Alcoholic Beverage Control (ABC) license and an outdoor patio. The project is located in the Landing Shopping Center (formerly Albertson's).

Applicant Rob Lucio, Real Estate Manager of Chipotle Mexican Grill, responded to the Commission's questions.

Motion made by Commissioner McDaniel and consented by all Commissioners to

ITEM NO. 3 PA2010-096 Tabled table Item No. 3 to be heard as the last item per recommendation from James Campbell, Acting Planning Director.

Chairman McDaniel recessed the meeting at 9:22 p.m. and reconvened the meeting at 9:33 p.m. with all members of the Commission in attendance.

Motion carried without any vote.

Ayes: Noes:

* * *

SUBJECT: McLaren Newport Beach – (PA2010-165) 2540-2542 West Coast Highway

ITEM NO. 4 PA2010-165 Approved

A conditional use permit to allow an automobile dealership (Vehicle Sales) in an existing commercial building. The proposed use would be limited to sales of vehicles only, with the inventory, storage, maintenance, and repair of vehicles conducted offsite.

Patrick Alford, Planning Manager, addressed questions regarding the project.

The Commission asked questions concerning the following:

- Street closure for transport of vehicles to and from the showroom.
- Hours of operation.
- Beer and wine availability.
- Interior remodel and exterior improvements.
- Signage on the building.
- Newly adopted Zoning Code applicable.

The Applicant, David McCullagh, responded to the Commission's questions.

Public comment period was opened.

No public comments.

Public comment period was closed.

Motion made by Commissioner Hawkins and seconded by Commissioner Ameri to move for approval, including the addition of Condition 17A in the Exhibit "A" of the Resolution, requiring the point of sales for McLaren to be Newport Beach.

Motion carried with the following vote:

Ayes: Unsworth, Hawkins, McDaniel, Ameri, Toerge, Eaton, and Hillgren

Noes: None

* * *

SUBJECT: Rose Bakery Café Management Plan – (PA2010-103) 3536 East Coast Highway

ITEM NO. 5 PA2010-103 Approved

An amendment to Use Permit No. UP2009-035 to waive 15 parking spaces required by the previously approved expansion of the restaurant. The applicant also requests a change in the hours of operation from 5:00 a.m. – 7:00 p.m. to 5:00 a.m. – 8:00 p.m.

Fern Nueno, Assistant Planner, gave a brief overview of the staff report.

The Commission asked questions concerning the following:

- Change to title and recordation regarding the Off-Site Parking Agreement.
- Day-time parking consent from Landmark Steakhouse Restaurant.
- Hours of operation.

Ms. Nueno and Dennis O'Neil, who represented the Owners of Rose Bakery Café, responded to the questions from the Commission.

Public comment period was opened.

Comments were given by the following residents from the surrounding neighborhood:

Eveline Dennis – 345 University Drive, Costa Mesa Steven Fischer – 510 Poinsettia Avenue, Corona Del Mar Richard Nichols – 519 Iris, Corona Del Mar Paul Deem – 1305 Circle Way Ernest G. Johanson – 34 Tinior Sea, Newport Beach Steve Berede – 376 Magnolia Drive

- Friendly environment.
- High caliber of service from staff.
- Parking lot issue at the bank on 3600 Coast Highway.
- No problems with parking.
- Parking lot studies.
- Allegation that the Applicants had been discriminated against.

Commissioner Hawkins, in response to the allegation by Dr. Nichols, stated that these were serious allegations and asked that the staff respond. City Attorney, Leonie Mulvihill, disagreed there had been any discrimination in the handling of the Application. Acting Planning Director, James Campbell, stated that there was no discrimination; however, there was a Code Enforcement issue and the process was followed correctly. Mr. O'Neil represented that, on behalf of his clients, there had not been any discrimination.

Public comment period was closed.

Motion made by Commissioner Toerge and seconded by Commissioner Hillgren to adopt a resolution approving Amendment No. 1 to Use Permit No. UP2009-035 subject to the conditions attached in the Draft Resolution.

Motion carried with the following vote:

Ayes: Unsworth, McDaniel, Ameri Toerge, Eaton, and Hillgren

Noes: Hawkins

* * *

SUBJECT: Chipotle Mexican Grill - (PA2010-096)

3101 Newport Boulevard

A use permit and accessory outdoor dining permit to allow a take-out service eating and drinking establishment with a Type 41 (On Sale Beer and Wine, Eating Place) Alcoholic Beverage Control (ABC) license and an outdoor patio. The project is located in the Landing Shopping Center (formerly Albertson's).

Motion made by Commissioner Unsworth and seconded by Commissioner Toerge to further table Item No. 3 so that a motion for reconsideration can be made on Item No. 2.

Motion carried with the following vote:

ITEM NO. 3 PA2010-096 Tabled Ayes: Unsworth, McDaniel, Ameri, Toerge, Eaton, and Hillgren

Noes: Hawkins

* * *

Motion made by Commissioner Ameri and seconded by Commissioner Toerge to reconsider Item No. 2, The Landing Parking Management Program (PA2010-166).

Approved

Motion carried with the following vote:

Aves: Unsworth, Ameri , Toerge, Eaton, and Hillgren

Noes: Hawkins and McDaniel

* * *

SUBJECT: The Landing Parking Management – (PA2010-166)

3101-3121 Newport Boulevard, 3100-3138 Balboa Boulevard

A use permit to waive three additional parking spaces for a total of eight of the required 243 parking spaces. The waiver would allow three outdoor dining patios in conjunction with eating and drinking establishments in the shopping center.

Motion made by Commissioner Toerge and seconded by Commissioner Hillgren to adopt the Resolution approving Amendment No. 1 to Use Permit No. UP2010-002 with the following modifications to the resolution:

- Modify Facts in Support of Finding No. F-3 to read, "The three parking spaces required for outdoor patios area in excess of 25 percent of the interior net public area (586 square feet) are waived. The patio floor area in excess of the 25 percent allowance will be deducted from the 15 percent of gross floor area limitation for eating and drinking establishment uses. This will help ensure that parking demand is similar to what was concluded in the parking study."
- Modify Conditions of Approval No. 4, to read, "The three parking spaces required for outdoor patio areas in excess of 25 percent of the interior net public area (586 square feet) are waived. The patio floor area in excess of the 25 percent allowance will be deducted from the 15 percent of gross floor area limitation for eating and drinking establishment uses."

General discussion of the motion ensued.

Commissioner Hawkins added the following modifications:

- Modify Facts in Support of Finding E-1 to read, "The three space parking waiver for the proposed outdoor dining patios would not be detrimental to the harmonious and orderly growth of the City and will contribute rather than hinder public convenience. The three space parking waiver for the outdoor patios does not jeopardize the health, interest, safety, or general welfare of residents in the vicinity."
- Modify Facts in Support of the Finding B-3 to read, "The project includes conditions of approval to ensure the welfare of the surrounding community. All eating and drinking establishments will be required to obtain separate use permits. Any separate discretionary approvals will regulate the operation of the specific use within the project site. Nothing in this resolution and or conditions ensures any square footage for outdoor dining for any restaurant use or application."
- Addition of the following Condition of Approval to read, "All eating and drinking establishments will be required to obtain separate use permits. Any separate discretionary approvals will regulate the operation of the specific use within the

ITEM NO. 2 Reconsidered PA2010-166 Approved project site. Nothing in this resolution and or conditions ensures any square footage for any restaurant use or application".

Commissioner Unsworth included the following modification:

• Addition of the following Condition of Approval to read, "The maximum allowable square footage for eating and drinking establishments shall be 15 percent of 47,878 square feet (7,182 square feet)."

Maker of the motion, Commissioner Toerge, agreed to the additional modifications.

Motion carried with the following vote:

Ayes: Hillgren, Ameri, Eaton, and Toerge Noes: Unsworth, Hawkins, and McDaniel

* * *

Motion made by Commissioner Hawkins and seconded by Commissioner Hillgren to allow the meeting to continue, as it was 11:00 p. m.

Eaton, Unsworth, Hawkins, McDaniel, Ameri, Hillgren and Toerge

Noes: None

Aves:

* * *

SUBJECT: Chipotle Mexican Grill – (PA2010-096)

3101 Newport Boulevard

A use permit and accessory outdoor dining permit to allow a take-out service eating and drinking establishment with a Type 41 (On Sale Beer and Wine, Eating Place) Alcoholic Beverage Control (ABC) license and an outdoor patio. The project is located in the Landing Shopping Center (formerly Albertson's).

Motion made by Commissioner Toerge and seconded by Commissioner Ameri to adopt the Resolution approving Use Permit No. UP2010-017 for an eating and drinking establishment with a Type 41 (On Sale Beer and Wine, Eating Place) Accessory Outdoor Dining Permit No. OD2010-004 for the outdoor patio subject to the findings and conditions in the attached draft resolution (Attachment No. PC 1).

A general discussion ensued.

Applicant was asked to address questions posed by the Commission regarding the outdoor patio.

Public comment period was opened.

Dan Purcell, Corona Del Mar resident expressed his concern with the dumpster for parking arrangement.

Public comment period was closed.

Commissioner Unsworth added the following modifications for the Resolution as follows:

• Modify Facts In Support of Finding No. C-1 to read as follows, "In accordance with the provisions of Chapter 20.82 of the Newport Beach Municipal Code, accessory outdoor dining requires no additional parking if it is less than 25 percent of the interior net public area. The additional 211 square feet of outdoor dining area has been deducted from the 15 percent gross floor area limitation for eating and drinking establishment uses."

Approved

ITEM NO. 3 PA2010-096 Approved

- Modify Condition of Approval No. 13 to read as follows, "The patio floor area in excess of the 25 percent allowance will be deducted from the 15 percent of gross floor area limitation for eating and drinking establishment uses."
- Modify Condition of Approval No. 15 to read as follows, "The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 41 in conjunction with the service of food as the principal use of the facility."

Maker of motion, Commissioner Toerge, agreed to the additional modifications.

Motion carried with the following vote:

Ayes: Eaton, Unsworth, Hawkins, McDaniel, Ameri, Hillgren and Toerge

Noes: None

STAFF AND COMMISSIONER ITEMS

No presentation given for the New City Hall. ITEM NO. 6

Planning Director's report: ITEM NO. 7

 Would like to have the January 6, 2011 Planning Commission Meeting canceled.

Planning Commission reports: ITEM NO. 8

 Planning Commission Holiday Gathering at the Regatta Café scheduled for December 21, 2010 at 6:30 p.m.

For a future agenda, Commissioner Hawkins would like to request that staff discuss when it is appropriate to make or recommend a change to the municipal code in connection with in lieu parking.

Requests for excused absences – None ITEM NO. 10

ADJOURNMENT: 11:17 p.m.
MICHAEL TOERGE, SECRETARY
CITY OF NEWPORT BEACH PLANNING COMMISSION

ITEM NO. 9

CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

January 20, 2011 Hearing Agenda Item 2

SUBJECT:

Hoag Hospital Covered Walkway - (PA2010-148)

One Hoag Drive

Variance No. VA2010-003

APPLICANT:

Hoag Memorial Hospital Presbyterian

PLANNER:

Javier S. Garcia AICP, Senior Planner

(949) 644-3206, jgarcia@newportbeachca.gov

PROJECT SUMMARY

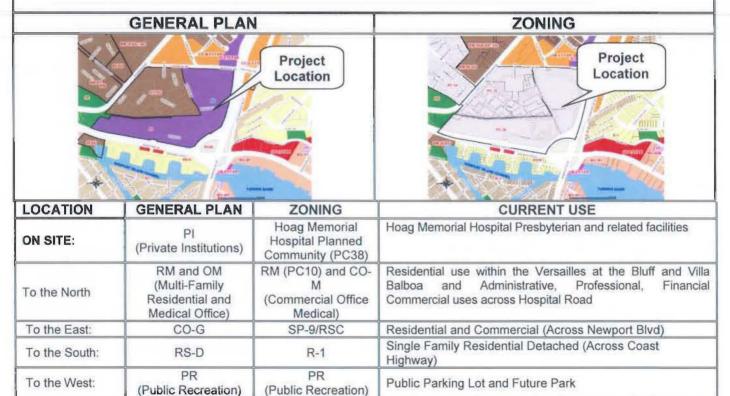
Hoag Hospital proposes the construction of an approximately, 210-foot-long, covered walkway that extends from the south parking structure to the south entrance of the main hospital building. A portion of the covered walkway exceeds the permitted height within the Parking Area Height Limitation Zone established by the Planned Community District Regulations. Therefore a variance is required to approve the increased height. The variance is for a 55-foot-long portion of the walkway that is 6 to 10 feet higher than permitted within the Parking Zone Height Limitation Area (80-foot height limit measured above Mean Sea Level, 80 MSL). The parking structure is currently constructed at or near the maximum height limit.

RECOMMENDATION

- 1) Conduct a public hearing; and
- Adopt Resolution No. ___ approving Variance No. VA2010-003 with the attached Findings and Conditions (Attachment No. PC 1).

VICINITY MAP





INTRODUCTION

Project Setting

The Hoag Memorial Hospital Presbyterian campus is located at the northwest corner of West Coast Highway and Newport Boulevard and is comprised of two parcels totaling approximately 40 acres. The two parcels form the accepted boundaries between what is considered the Lower Campus and the Upper Campus. The Lower Campus includes the following facilities: the Cancer Center, the Child Care Center, a parking structure, several surface parking lots, and a support services building. The Upper Campus is where the general hospital facility is located and where the main activities of the site are centered. Additional facilities such as generator facilities, a heliport, the Surgery Center, two parking structures and several surface parking lots are also located in the Upper Campus.

The hospital campus is bounded on the north, east, and south by residential uses and to the west by a public parking lot and public park.

Project Description

The project as submitted is for the addition of a covered walkway that will extend across the boundary between the Parking Zone and the Tower Zone, a portion of which will exceed the permitted Parking Zone Height Limit of 80 feet MSL, and range in height between 80 and 90 feet MSL. The covered walkway will extend from the proposed new elevator of the South Parking Structure to the hospital's south entrance. Approval of a variance is required to allow the covered walkway to exceed the 80 feet MSL Height Limit within the Parking Zone.

The Applicant's Letter of Justification describing the project request and support for the variance findings is attached for the Commission's information (Attachment No. PC 2). Also attached to the letter are, detailed plans showing the location of the proposed elevator, the hospital south entrance, and the approximate location of the proposed covered walkway.

Background

The Hoag Hospital expansion and reconfiguration is an ongoing project that began after adoption of the Hoag Memorial Hospital Presbyterian Planned Community Development Criteria and District Regulations in 1992. The proposed covered walkway/canopy is a part of the Heart and Vascular Institute portion of the project.

DISCUSSION

Analysis

General Plan, Zoning - Hoag Hospital Planned Community District

The Land Use Element of the General Plan designates the site for Private Institutions (PI) use. The Zoning Code designates the site as PC 38 (Hoag Memorial Hospital Planned Community), which provides for the existing hospital facilities land use. Hoag Hospital is governed by Planned Community District Regulations that specify floor area, height limitation zones and other restrictions. The proposed development is an appurtenance to the facility and consistent with these designations and will not change the use of the property.

Local Coastal Plan

The Lower Campus of Hoag Memorial Hospital is located within the Coastal Zone and is designated as PI-B (Private Institutions). The South Parking Structure is located on the southerly end of the Upper Campus and is not located within the Coastal Zone, and therefore, not subject to Coastal Commission review or approval.

Height Limit Zone Compliance

The Hoag Campus is divided into two parts for height purposes, the Upper Campus and the Lower Campus. The Upper Campus is divided into three Height Limitation Zones; Tower Zone, Midrise Zone and the Parking Zone (Attachment No. PC 6). The South Parking Structure is located within the Parking Zone which has a maximum height limit measured at 80 feet above Mean Sea Level (80 MSL), exclusive of the elevator tower that is authorized to exceed the height limit, as necessary.

The north side of the South Parking Structure abuts the boundary between the Parking Zone (80 MSL) and the Tower Zone (235 MSL). There exists an abrupt change between the two height limit zones at that boundary that is depicted in the detailed plans submitted with the Applicant's Letter of Justification (Attachment No. PC 2).

There are no provisions within the Hoag Planned Community District Regulations that provide for a transition in the height between the two height zones. It was foreseen that the height of the parking structure would remain unchanged, with the exception of a future elevator that was to be added to the parking structure. However, it was not foreseen that another structure (covered walkway or canopy) might be constructed on top of the parking structure and across the boundary of the two height zones. Therefore, the construction of the covered walkway cannot be accomplished within the limitations of the Parking Zone without the prior approval of a variance for the increased height.

Variance

The height limit that was adopted for the Parking Zone is a horizontal plane at 80 MSL, which extends across the Parking Zone and above the South Parking Structure, the existing driving surface of the uppermost parking level measures approximately 75 MSL. The existing height limit restricts and prevents the ability to provide the covered walkway or any other appurtenance to be constructed on top of the parking structure without approval of a variance, because the parking structure's present height is at or near the 80 feet MSL (as depicted on Attachment No. PC 3).

Table 1 below describes the proposal within the related height zones and percentage of the overall walkway length.

TABLE 1:				
	Parking Zone	Tower Zone	TOTAL	
Height Limit:	80 MSL	235 MSL		
Proposed				
Canopy Height:	Up to 90 MSL	Up to 96 MSL		
	(10 to 15 feet	(It is higher in this area		
	above the surface	because it must maintain a		
	of the parking	minimum vertical clearance of		
	structure)	13 feet 6 inches above the		
		roadway to accommodate		
		vehicular traffic.)		
Length:	55 feet	155 feet	210 feet	
(Approximate)			3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	
Percentage of	26%	74%		
Total Length				

Section 20.52.090 F of the Newport Beach Municipal Code, requires the Planning Commission to make the following findings before approving a variance:

1. There are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification:

 Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under and identical zoning classification;

3. Granting of the Variance is necessary for the preservation and enjoyment of

substantial property rights of the applicant;

 Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

 Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and

6. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.

The Applicant's Letter of Justification for the requested variance is attached (Attachment No. PC 2 for the Planning Commission's consideration. The justification primarily focuses on the fact that the covered walkway crosses the boundary between two height limitation zones (Parking Lot Zone and Tower Zone) that were based on the height of the existing parking structure to accommodate the existing and future tower buildings; and the necessity of the covered walkway for protection of patrons and patients, entering the hospital from the South Parking Structure, from inclement weather.

The proposed 8-foot clearance height of the covered walkway/canopy and structure itself will total approximately 12 to 15 feet above the surface of the top level of the parking structure for an overall height of no more than 90 feet MSL (75 feet MSL deck surface plus 15 feet= 90 MSL), The portion of the proposed covered walkway that is the subject of the variance is approximately 55 linear feet of the 210 linear feet of covered walkway (26 percent of the overall length). The remainder of the covered walkway complies with the height limitations since it is located within the Tower Zone, 235 MSL.

Required Findings

The facts support the finding for the variance request for increased height of the covered walkway because there is the special circumstance related to the method by which the height limit has been applied to the property which differs from how height limits are applied elsewhere in the City. The general method for measuring permitted height provided by the Municipal Code would be a parallel plane that follows the topography of the lot. However, in the case of Hoag Hospital which is the only hospital in the City and is specifically governed by its own zoning regulations (PC 38), the height limit has been imposed based strictly on the height of a horizontal plane measured above Mean Sea Level for each of the height limitation zones.

Additionally, the abutting boundary line between height limitation zones provides no transitional relief to take existing topography or the abrupt change in height limits into account. This is unusually restrictive since the South Parking Structure is limited to a height limit which is at or near the top of the existing structure (±5 feet above the deck surface) and does not take into consideration the slope differential between the zones at that boundary. The attached Hoag Hospital South Parking Structure Exhibit (Attachment No. PC3) approximately depicts the existing grade at the front and rear of the parking structure and its relationship to the 80 MSL horizontal plane.

Staff is satisfied that the granting of the height variance is necessary in order to enjoy and preserve property rights and such granting bestows no special privilege because the application of the height limit measurement in this case is derived from the Hoag Hospital Planned Community District Regulations which do not provide a means to transition between abruptly different height limitation zones of the subject property. The covered walkway/canopy will also improve public safety by protecting and sheltering patrons and patients from inclement weather while entering the hospital from the South Parking Structure.

Variance Conditions Recommended

Significant visual impacts on private views of the neighboring residential properties are mitigated since a majority of the walkway canopy structure will be obscured by the surrounding landscape trees on the westerly side of the parking structure. However, to address potential nighttime and visual impacts staff has included conditions of approval that limit the canopy lighting to either surface-mounted, ground pedestal lights with downward directed light sources or lighting mounted on the underside of the cover be recessed and directed downward only. The intent of the conditions is to prohibit backlighting of the canopy structure. Staff has also included a condition requiring review and approval of the color of the fabric or outside material that will cover the canopy. The intent is to limit the color of the structure so as to blend in with the surrounding background and the parking structure. These measures will mi nimize any adverse visual impacts associated with the proposed structure.

Summary

Staff believes that adequate facts are in evidence to support the findings for the variance request for the increase height of the covered walkway. Staff recommends approval of the variance to accommodate the abrupt change in the height limitation zones with no consideration to account for existing topography and to provide a transition between two significantly different height zones.

Staff believes that this special circumstance deprives the property of privileges enjoyed by others. In addition, staff does not believe the granting of the variance will be materially detrimental to the public welfare or injurious to property or improvements in

the neighborhood, as exhibited by the photos provided by the Applicant; and as conditioned by this approval to limit visual (color of material approval) and lighting impacts (prohibit up-lighting and back-lighting of the canopy; downward direction of pedestrian pathway lighting). Therefore, staff recommends that the Planning Commission approve the variance request based on the discussion and facts above and the recommended conditions of approval that have been incorporated into the attached Resolution and Exhibit (Attachment No. PC 1).

Environmental Review

The project is categorically exempt under Section 15303 of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures). The addition of the covered walkway/canopy is consistent with this designation.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of ten days in advance of this hearing, consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:

Javier S. Garcia AICP, Senior Planner Patrick J. Alford, Planning Manager

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Applicant's Letter of Description and Justification
- PC 3 Photo Exhibit 1- Hoag Hospital South Parking Structure
- PC 4 Photo Exhibit 2- Hoag Hospital South Parking Structure, Views of the Proposed Covered Walkway
- PC 5 Hoag Planned Community Site and Boundary Map
- PC 6 Hoag Development Criteria Plan- Height Zones
- PC 7 Aerial Photos- South Parking Structure and Hospital South Entrance
- PC 8 Project Plans- Large Size

Attachment No. PC 1

DRAFT RESOLUTION AND FINDINGS AND CONDITIONS FOR VA2010-003

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING APPROVAL OF VARIANCE NO. VA2010-003 TO ALLOW THE CONSTRUCTION OF A COVERED WALKWAY THAT EXCEEDS THE PERMITTED HEIGHT LIMIT OF 80 FEET ABOVE MEAN SEA LEVEL FOR THE MULTI-LEVEL PARKING STRUCTURE FOR HOAG MEMORIAL HOSPITAL PRESBYTERIAN, LOCATED AT ONE HOAG DRIVE (PA2010-148)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- An application was filed by Hoag Memorial Hospital Presbyterian with respect to property located at One Hoag Drive, requesting approval of a variance of the height limit specified by the Hoag Memorial Hospital Presbyterian District Regulations (Hoag PC Regulations).
- 2. The applicant proposes to construct an approximately 210-foot-long, covered walkway that extends from the proposed elevator of the south parking structure to the south entrance of the main hospital building. The new construction is authorized under the currently approved Hoag Memorial Hospital Presbyterian Planned Community Development Criteria and District Regulations and the application is requested or required in order to implement a portion of the project. A variance is requested to allow an approximately 55-foot-long portion of the covered walkway to exceed the permitted height within the Parking Area Height Limitation Zone (80 feet above Mean Sea Level) established by the Hoag Memorial Hospital Planned Community District Regulations.
- 3. The Land Use Element of the General Plan designates the site for Private Institution (PI) use. The Zoning Code designates the site as PC 38 (Hoag Memorial Hospital Planned Community), which provides for the existing hospital facilities land use. The proposed covered walkway is an appurtenance to the private institution facility and is therefore consistent with this designation and will not change the use of the property.
- 4. The portion of the subject property designated as the lower campus is located within the coastal zone. The Coastal Land Use Plan designates this site as Private Institution (PI), which is intended to accommodate the existing and future expansion of the lower campus of the overall project. The proposed covered walkway is an appurtenance to the private institution facility and is therefore consistent with this designation and will not change the use of the property.
- Hoag Hospital is governed by Planned Community District Regulations that specify floor area, height limitation zones and other restrictions. The Hoag Campus is divided into two parts, the Upper Campus and the Lower Campus. The Upper Campus is divided into

three Height Limitation Zones; Tower Zone, Midrise Zone and the Parking Zone. The south parking structure is located within the Parking Zone which has a maximum height limit measured at 80 feet above Mean Sea Level (80 MSL), exclusive of the elevator tower that is authorized to exceed the height limit, as necessary.

6. A public hearing was held by the Planning Commission on January 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the City Council at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

WHEREAS, this project has been reviewed and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 3 (New Construction or Conversion of Small Structures); and

SECTION 3. REQUIRED FINDINGS.

WHEREAS, Section Chapter 20.52.090.F of the Newport Beach Municipal Code requires findings and facts in support of such findings for approval of a variance, which are presented as follows:

Finding:

A. That there are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.

Facts in Support of Finding:

- A-1. The facts support the finding for the variance request for increased height of the covered walkway because there is the special circumstance related to the method by which the height limit has been applied to the subject property which differs from how height limits are applied to other zoning districts in the city. The general method for measuring permitted height provided by the Municipal Code would be a parallel plane that follows the topography of the lot. However, in the case of Hoag Hospital, the height limit has been imposed based strictly on the height of a horizontal plane measured above mean sea level for each of the Height Limitation Zones of the Upper Campus.
- A-2. Additionally, the abutting boundary between height limitation zones provides no transitional relief to take into account the existing topography or the abrupt change in

height limits. This is unusually restrictive since the South Parking Structure is limited to a height limit (80 MSL) which is at or near the top of the existing structure (±5 feet above the deck surface) and does not take into consideration the slope differential between the zones at that boundary. The attached Hoag Hospital South Parking Structure Exhibit (Attachment No. PC3) approximately depicts the existing grade at the front and rear of the parking structure and its relationship to the 80 MSL horizontal plane.

A-3. This is the only hospital and hospital zoning district (PC 38) in the City, therefore, the zoning limitations and height restrictions as applied are unique to this property alone, there is no identical zoning classification elsewhere in the City.

Finding:

B. That strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.

Fact in Support of Finding:

- B-1. The granting of the Variance for height does not deprive the subject property of privileges enjoyed by other properties in the vicinity since it is consistent with the intent of the PC Regulations to control the overall height of the parking structure itself, which remains unchanged. The proposal to add the covered walkway/canopy does not propose to increase the number of levels of the parking structure now or in the future. Staff also believes that the granting of the height variance to accommodate the addition of the covered walkway/canopy does not conflict with the intent of the Parking Zone Height Limit.
- B-2. This is the only hospital and hospital zoning district (PC 38) in the City, therefore, the zoning limitations and height restrictions as applied are unique to this property alone, there is no identical zoning classification elsewhere in the City.

Finding:

C. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

Facts in Support of Finding:

C-1. The granting of the Height Variance is necessary in order to enjoy and preserve property rights of the applicant to construct the proposed covered walkway/ canopy for the convenience of patrons and patients, and because the application of the height limit measurement in this case is derived from the Hoag Hospital Planned Community District Regulations which do not provide a means to transition between abruptly different height limitation zones of the subject property.

15

Finding:

D. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district/

Facts in Support of Finding:

D-1. The approval of the variance will be consistent with the Hoag Memorial Hospital Planned Community District Regulations since it grants relief from the method by which the height limit has been imposed on the subject property. This would not constitute a grant of special privilege since the application of height limits in a strictly horizontal plane is not generally applied to other properties in the vicinity or other zoning district city in this manner. Additionally, the proposed covered walkway as conditioned will have minimal impact on views across or through the subject property; and nighttime glare impacts will be minimized.

D-2. The Hoag Hospital Planned Community District Regulations permit the proposed elevator to be added to the South Parking Structure and to exceed the permitted height limit, as necessary. The Hoag Hospital Planned Community District Regulations do not provide the same relief to accommodate the proposed covered walkway/canopy. Staff believes that if the covered walkway could have been foreseen when the planned community district regulations and master plan were being developed in 1992, the accommodation for increased height of the walkway could have been incorporated at that time.

D-3. This is the only hospital and hospital zoning district (PC 38) in the City, therefore, the zoning limitations and height restrictions as applied are unique to this property alone, there is no identical zoning classification elsewhere in the City.

Finding:

E. That the granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.

Facts in Support of Finding:

E-1. The project will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. In fact, the project will improve and protect the health, safety and general welfare of patrons and patients of the facility, as exhibited by the photos provided and as presented at the public hearing; and as conditioned by this approval to mitigate and limit visual (color of material approval) and lighting impacts (prohibit up-lighting and back-lighting of the canopy; require downward direction of pedestrian pathway lighting) on the surrounding residential uses.

16

Finding:

F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.

Facts in Support of Finding:

F-1. The granting of this Variance will not conflict with: the Land Use Element of the General Plan which designates the site for Private Institution (PI) use or the Zoning Code which designates the site as PC 38 (Hoag Memorial Hospital Planned Community), which provides for the existing hospital facilities land use, since the proposed covered walkway is an appurtenance to the private institution facility and is therefore consistent with these designations and will not change the use of the property.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- The Planning Commission of the City of Newport Beach hereby approves Variance No. VA2010-003 (PA2010-148), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 20TH DAY OF JANUARY, 2011.

AYES:	
NOES:	
BY: Earl McDaniel, Chairman	
BY: Michael Toerge, Secretary	

EXHIBIT "A"

CONDITIONS OF APPROVAL (Project-specific conditions are in italics)

PLANNING

- The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval. The maximum height of the covered walkway/canopy structure shall not exceed 90 MSL at its highest point above grade within the Parking Zone Height Limitation Area. (Except as modified by applicable conditions of approval.)
- Variance No. VA2010-0019 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Variance.
- This approval was based on the particulars of the individual case and does not in and
 of itself or in combination with other approvals in the vicinity or Citywide constitute a
 precedent for future approvals or decisions.
- 6. This Variance may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
- Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Department. If the building permits are issued by the Office of the State Architect, unpaid administrative costs or fees associated with the processing of this application shall be due and payable to the Planning Department within 45 days of the effective date of this approval.
- 8. Prior to the issuance of building permits, the applicant shall submit as a part of the plan check process, color swatches or material sample of the proposed surface of the covered walkway/canopy for review and approval by the Planning Director. If the building permits are issued by the Office of the State Architect, color swatches or material sample of the proposed surface of the covered walkway/canopy shall be submitted for review and approval by the Planning Director prior to installation.

- 9. Prior to the issuance of building permits, the lighting plan associated with the proposed covered walkway/canopy shall be reviewed and approved by the Planning Department. Lighting mounted on the underside of the canopy cover shall be directed downward only; pedestrian path lighting shall be ground mounted pedestal lights with the light source directed downward. Back-lighting of the canopy cover is prohibited. If the building permits are issued by the Office of the State Architect, the lighting plan shall be submitted for review and approval by the Planning Director prior to installation.
- 10. Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted.
- 11. The covered walkway/canopy shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
- 12. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified in condition of approval No. 11. If the building permits are issued by the Office of the State Architect, the nighttime inspection shall be scheduled prior to final and release for use of the covered walkway.
- All proposed signs shall be in conformance with the provision of Chapter 20.67 of the Newport Beach Municipal Code. Signs attached or incorporated into the proposed canopy structure shall comply with the comprehensive sign program or submitted as an amendment to that program, as deemed necessary by the Planning Department.
- 14. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Variance No. VA2010-003 (PA2010-148) for the Hoag Memorial Hospital Presbyterian covered walkway; and the determination that the project is exempt under the requirements of the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand

any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Fire Department Condition

 Prior to the issuance of building permits, the plans shall be subject to review and approval by the Fire Department of the minimum vertical clearance under the canopy that extends over the roadway.

Attachment No. PC 2

APPLICANT'S LETTER OF JUSTIFICATION FOR VA2010-003

Project Description: Heart and Vascular Institute Covered Path of Travel for South Parking Structure Rooftop Accessible Parking October 5, 2010

The overall Heart and Vascular Institute (HVI) project includes both interior and exterior improvements. Interior improvements will be made to the first floor of the existing Hospital, to accommodate a new hybrid operating room and two cath labs, as well as related staff and patient functions. Exterior improvements will be made to the façade of the existing South Entry building, along with a possible reconfiguration of the existing drive approach, patient drop-off and top deck of the adjacent South Parking Structure.

As part of the reconfiguration of the top deck of the South Parking Structure, Hoag Hospital proposes to provide a covered pedestrian path of travel from the elevator tower access (to be constructed as part of the HVI project) at the top deck (i.e., fifth floor) of the South Parking Structure to the South Entry patient drop-off.

As shown on the enclosed site plan, the South Entry as well as the area leading up to the South Parking Structure is located within the Tower Zone, which allows structures up to 235 feet above mean sea level. The Parking Structure is located within the Parking Zone, which allows structures up to 80 feet above mean sea level (excluding elevator towers). Hoag is requesting a variance to the height standards to allow that portion of the covered walkway from the elevator tower to the edge of the Tower Zone, a distance of approximately 55 feet. For this distance, the covered walkway would be approximately ten feet above the existing height limit.

The height of the canopy would be approximately eight feet (at the elevator tower) and approximately thirteen feet (at the South Entry patient drop-off canopy, in order to provide for emergency vehicle access and turnaround).

Walking surfaces that are part of an accessible route are required to comply with the Americans with Disabilities Act. Section 403 of the Americans with Disabilities Act regulates the various characteristics of the floor or ground surface to ensure that the route is stable, usable and does not contain obstructions that would prevent its use in reaching an accessible element. The suitability of an accessible route depends on certain characteristics of the surface itself, relative to both safety (slip resistance) and usability (stable and firm). Ambulatory and semi-ambulatory people who have difficulty maintaining balance and those with restricted gaits are particularly sensitive to slipping and tripping hazards. The addition of a canopy over and along the accessible path of travel is an added measure of protection against inclement weather.

Covered access on other floors of the South Parking Structure is available for patients, including those requiring accessible parking spaces. However, that access requires patients to use the Hospital's service entrance, and travel through the service level, which provides no patient services and is not intended for visitor use. Therefore, the proposed covered path of travel will provide access for all patients without requiring them to pass through the service level.

Information in Support of Variance Findings: Heart and Vascular Institute
Covered Path of Travel for South Parking Structure Rooftop Accessible Parking
October 5, 2010

 Question: "What exceptional circumstances apply to the property, including size, shape, topography, location or surroundings?"

<u>Hoag Response</u>: Hoag Hospital faces practical difficulties in providing covered, accessible patient access because of the height limitations imposed on the Hospital. Further, Hoag Hospital faces unnecessary hardships because of the configuration of the site and the location of the Hospital facilities on the campus in relation to this height limit.

The exceptional circumstances applicable to Hoag Hospital are related to the height limitations and the naturally-occurring slope that splits the Hoag campus.

Section 20.65 of the Municipal Code regulates height limits within the City. According to Subsection 20.65.050, for Planned Community Districts, "the height limits shall be established as part of the Planned Community Development Plan". On May 13, 2008, the City Council adopted Ordinance No. 2008-9 which amended the Hoag Memorial Hospital Presbyterian Planned Community Development Criteria and District Regulations (Planned Community Development Plan Amendment No. 2007-001). Section V.C establishes height zones on the Hoag Hospital campus.

The Hoag Hospital campus is split into the "Upper Campus" and the "Lower Campus". On the Upper Campus, three height zones are identified in the Hoag Memorial Hospital Presbyterian Planned Community Development Criteria and District Regulations:

- Upper Campus Tower Zone maximum building height not to exceed the existing tower which is two hundred thirty-five (235) feet above mean sea level.
- Upper Campus Mid-Rise Zone maximum building height not to exceed one hundred forty (140) feet above mean sea level.
- Upper Campus Parking Zone maximum building height not to exceed eighty (80) feet above mean sea level, exclusive of elevator towers.

The internal HVI project components are within the 235-foot Tower Zone. The external HVI project components are within the 235-foot Tower Zone and the 80-foot Parking Zone.

Information in Support c. Variance Findings: Heart and Vascular Institute
Covered Path of Travel for South Parking Structure Rooftop Accessible Parking, Cont.
October 5, 2010

The terms "Upper Campus" and "Lower Campus" are used because the Hoag Hospital campus is bifurcated by a steep slope. The South Parking Structure is built into the side of that slope, resulting in a differential of approximately forty (40) feet between the finished floor level of first floor of the South Parking Structure and that of the fifth level. Because it is built into the side of that slope, the top of the South Parking Structure is, for practical purposes, at grade with the South Entry (see enclosed site section). Regardless of the practical height of the South Parking Structure, it is currently constructed to its maximum permitted height of eighty (80) feet msl, which precludes the ability to construct a covered pedestrian path from the existing South Parking Structure at the proposed elevator tower (Parking Zone) to the Tower Zone, within which the South Entry is located, a distance of approximately 55 feet).

2. Question: "Why is a variance necessary to preserve property rights?"

<u>Hoag Response</u>: Hoag Hospital's emergency department serves approximately 70,000 patients annually. Hoag Hospital is a regional hospital, currently serving an average of about 285 visits per day (for direct admitted patients, outpatient surgeries and outpatient services).

Many of these patients face mobility challenges due to disability or illness. A key factor in the preservation of Hoag Hospital's property rights is the ability to provide its patients convenient access. Patients that will be served by the HVI, in particular, will be those who are elderly and with heart conditions who warrant Hoag's special consideration in access provision. The addition of a canopy over and along the accessible path of travel is an extra measure of protection against inclement weather, increasing both safety (slip resistance) and usability (stable and firm) for patients and visitors alike.

The strict application of the Code deprives Hoag Hospital the ability to enjoy privileges enjoyed by other properties in the vicinity.

3. Question: "Why would the granting of this application not be inconsistent with the code and not a granting of special privilege?"

Hoag Response: In providing a covered pedestrian pathway to the South Entry, Hoag is not being granted special privileges that are inconsistent with the limitations of properties in the vicinity. Rather, by providing equivalent amenities (i.e., a covered path of travel for all patients, regardless of mobility status), Hoag will be consistent with the intent of the Americans with Disabilities Act which, among other things, regulates the various characteristics of the floor or ground

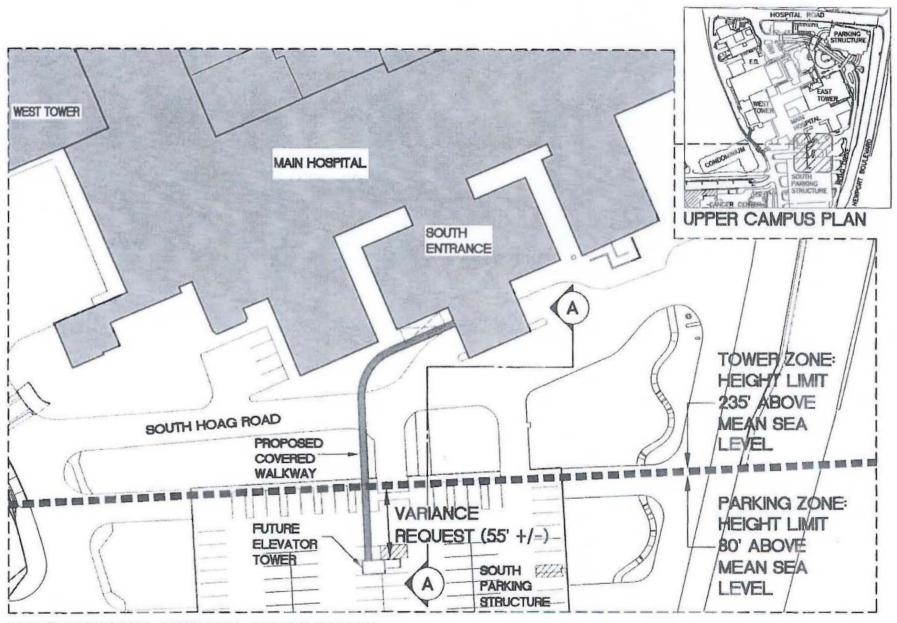
Information in Support c. Variance Findings: Heart and Vascular Institute
Covered Path of Travel for South Parking Structure Rooftop Accessible Parking, Cont.
October 5, 2010

surface to ensure that the route is stable and safe by adding an extra measure of protection against inclement weather.

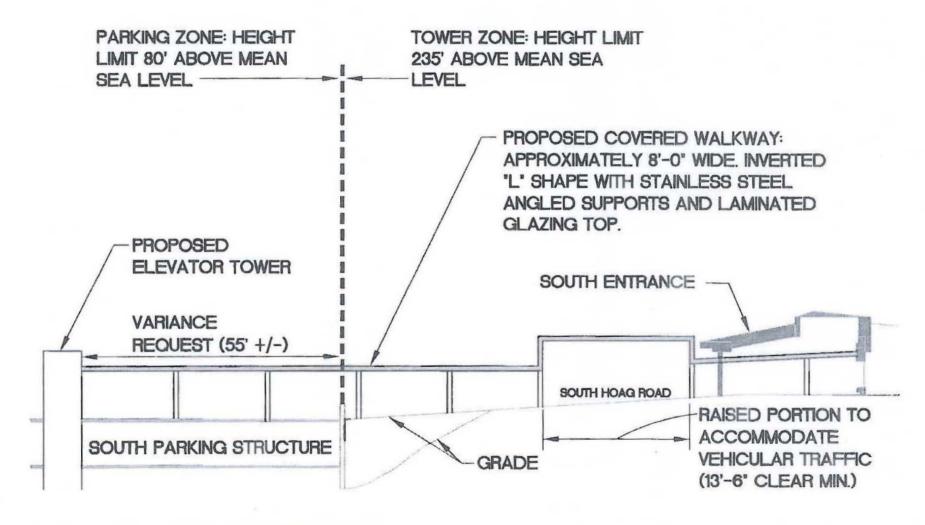
4. Question: "Why will the proposal not be detrimental to the neighborhood?"

<u>Hoag Response</u>: The covered pedestrian walkway will be reviewed by the City of Newport Beach Fire Department to ensure that there are no health and safety considerations related to its provision.

The public welfare of Hoag's neighborhood will not be detrimentally affected as shown on the enclosed photo analysis completed by Hoag which documents that views, both private and public, in the vicinity of the covered walkway will not be negatively affected (refer to environmental information form and project description for detailed information on aesthetic considerations related to the proposed covered walkway).



HOAG MEMORIAL HOSPITAL PRESBYTERIAN -PROPOSED COVERED WALKWAY CONCEPTUAL ONLY



HOAG MEMORIAL HOSPITAL PRESBYTERIAN -PROPOSED COVERED WALKWAY - SITE SECTION A-A CONCEPTUAL ONLY

PHOTO EXHIBIT 1- HOAG HOSPITAL SOUTH PARKING STRUCTURE VA2010-003

Hoag Hospital South Parking Structure

Area of Proposed Covered Walkway



Views from Site







View from 3rd Floor Adjacent Condominium



Site Plan and Section

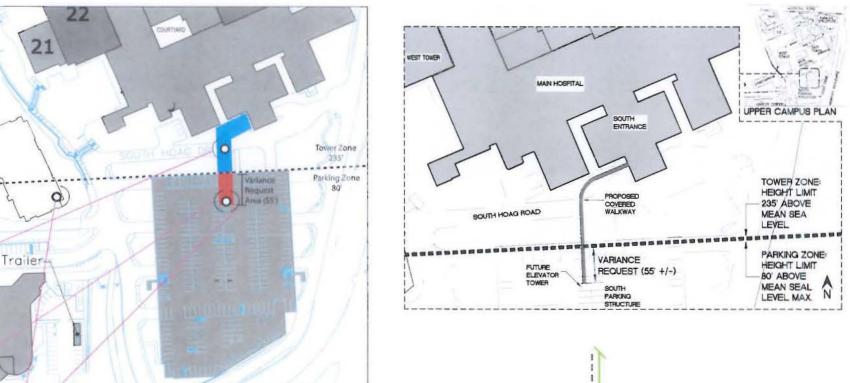


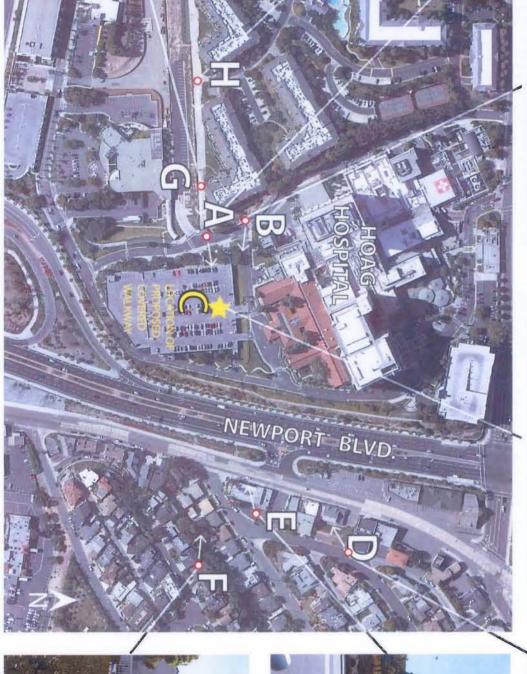


PHOTO EXHIBIT 2- HOAG HOSPITAL SOUTH PARKING STRUCTURE VIEWS OF PROPOSED COVERED WALKWAY VA2010-003

Hoag Hospital South Parking St Views of Proposed Covered **ncture**



LOOKING EAST FROM H





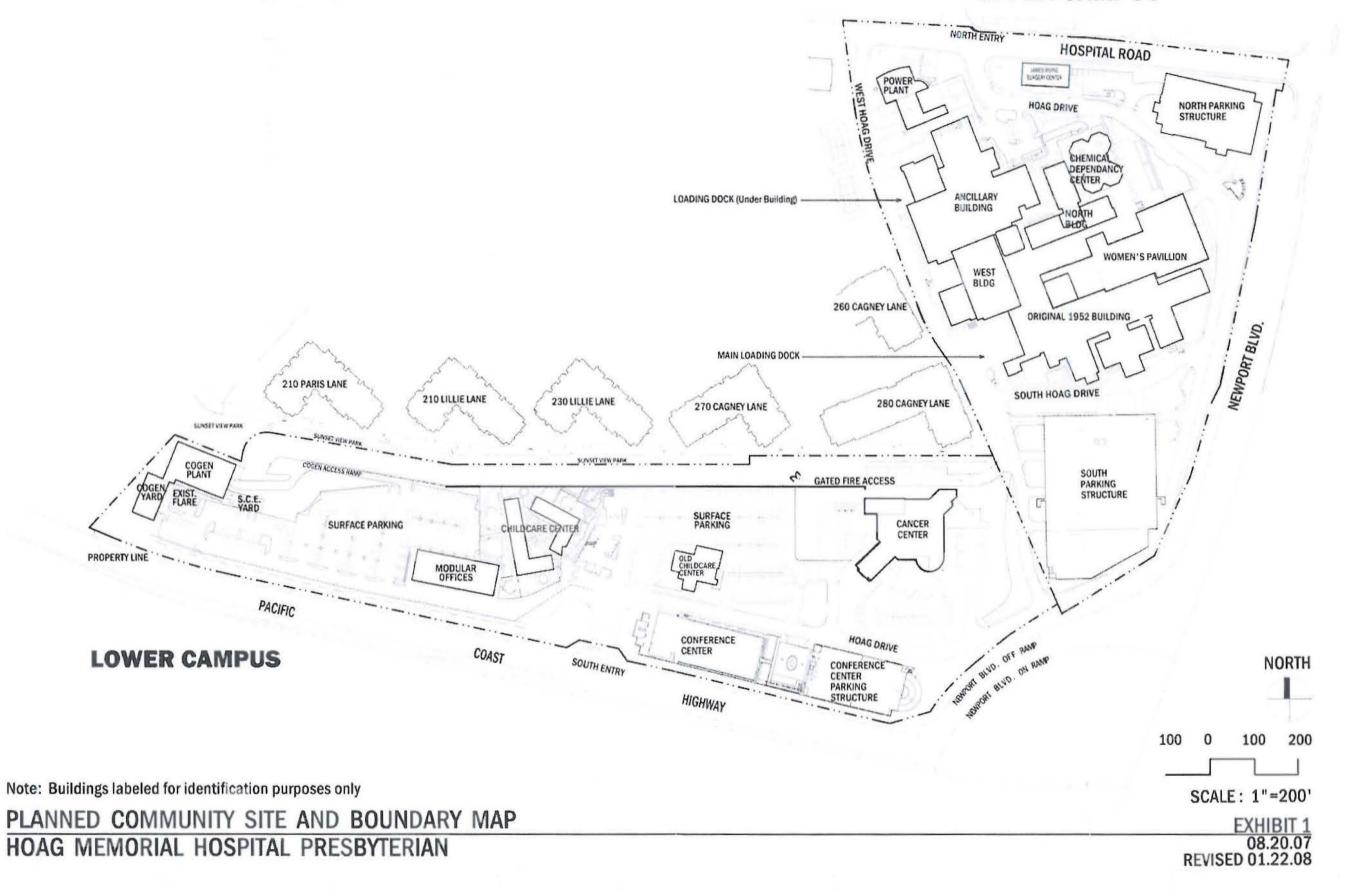
Hoag Planned Community Site and Boundary Map For VA2010-003



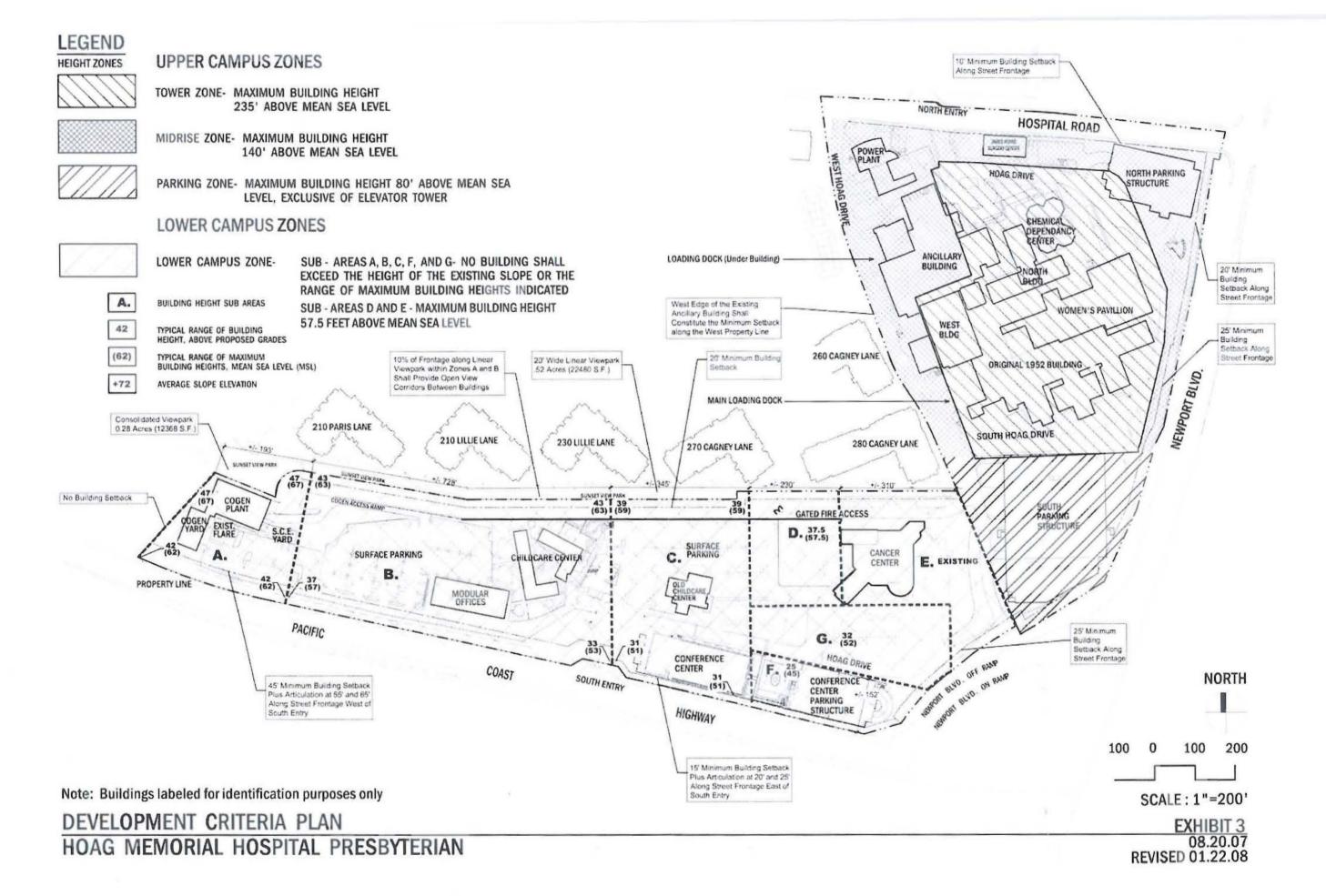
HOAG HOSPITAL AERIAL PHOTO-SITE BOUNDARY & COASTAL ZONE BOUNDARY

11

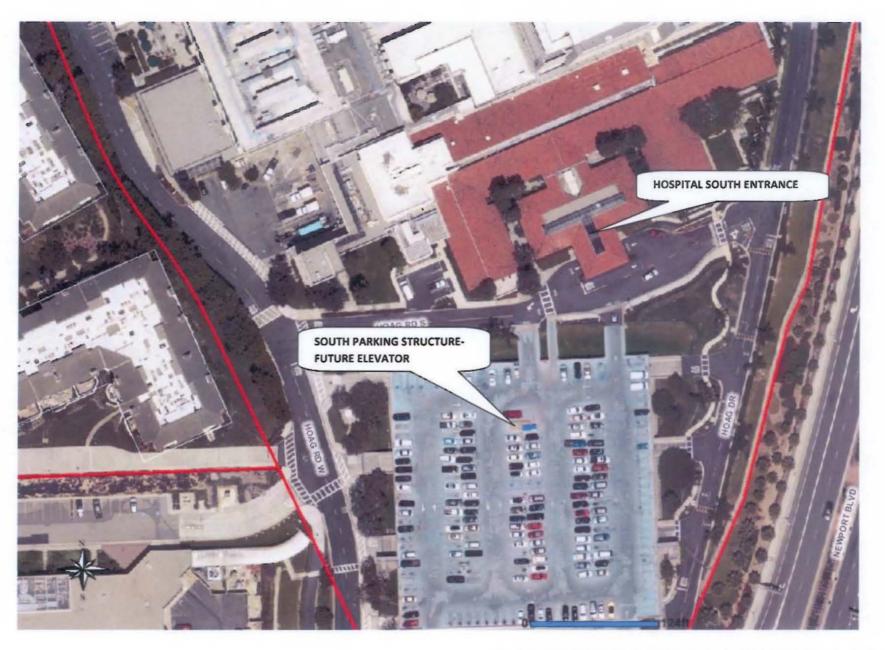
UPPER CAMPUS



Hoag Development Criteria Plan-Height Zones For VA2010-003 VA2010-003



AERIAL PHOTOS FOR VA2010-003



AERIAL PHOTO- SOUTH PARKING STRUCTURE



AERIAL PHOTO SOUTH PARKING STRUCTURE- ELEVATOR AND HOSPITAL SOUTH ENTRANCE

CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

January 20, 2011 Hearing Agenda Item 3

SUBJECT:

Johnson Residence - (PA2010-176)

1537 Santanella Terrace

Code Amendment No. CA2010-010

APPLICANT: Andrew Goetz, Architect

PLANNER:

Javier S. Garcia AICP, Senior Planner

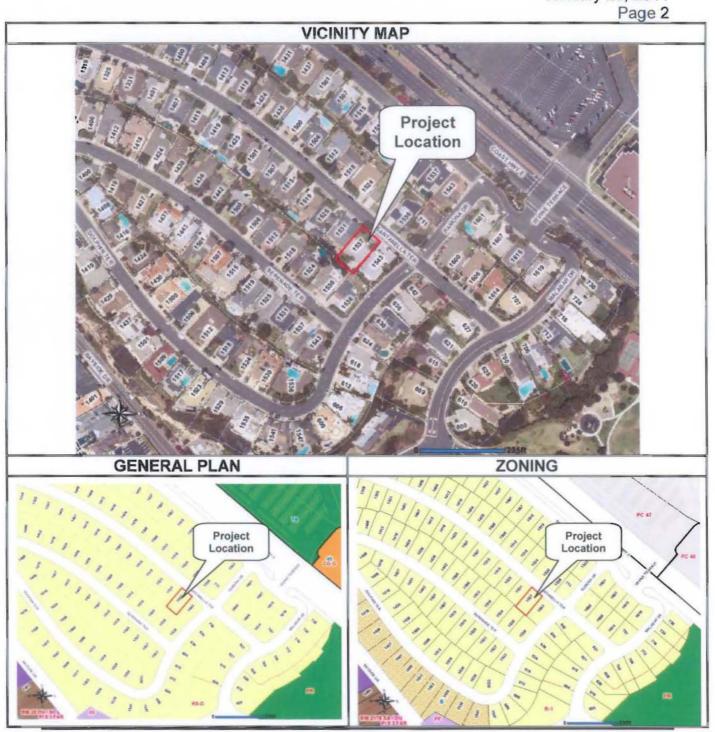
(949) 644-3233, jgarcia@newportbeachca.gov

PROJECT SUMMARY

The application consists of a code amendment to change a front setback established on Setback Map No. S9A- Irvine Terrace from 34 feet to 19 feet, to accommodate a proposed addition to the existing single family dwelling.

RECOMMENDATION

- Conduct a public hearing; and
- 2) Adopt Resolution No. ____ recommending City Council adoption of Code Amendment No. CA2010-010 (Attachment No. PC2) to revise Setback Map No. S9A- Irvine Terrace (Attachment PC3) to establish a 19-foot front setback at 1537 Santanella Terrace, Lot 28 of Tract 1701.



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential detached
NORTH	RS-D	R-1	Single-unit residential detached
SOUTH	RS-D	R-1	Single-unit residential detached
EAST	RS-D	R-1	Single-unit residential detached
WEST	RS-D	R-1	Single-unit residential detached

INTRODUCTION

Project Setting

The subject property is located in the Irvine Terrace neighborhood on the southerly side of Santanella Terrace between Patolita Drive and Ramona Drive. The topography in the Irvine Terrace neighborhood slopes downward from East Coast Highway to Bayside Drive.

Project Description

The current 34-foot front setback requirement for the subject property is established on Setback Map S9A- Irvine Terrace (Attachment No. PC 3, formerly Districting Map No. 24). Minimum required front setbacks range from between 5 feet to 35 feet on Santanella Terrace. The applicant's request is to reduce the front setback to 19 feet.

Refer to Attachment No. PC 7 for the project plans of the proposed residential addition. Homeowner's Association approval has been deferred until the City takes action on the proposed code amendment (Attachment No. PC 8).

Background

Irvine Terrace was one of the City's early residential subdivisions and planned communities annexed in the 1950's. A staggered setback concept was approved with the original tract maps of Irvine Terrace (specifically Tracts 1700 and 1701) in an agreement between the Planning Commission and the Irvine Company, as a part of the Irvine Terrace Annexation in May of 1953. A condition of approval required that Variances would be needed to establish setbacks at a later date and were subsequently added on to Districting Map No. 24 (DM 24). The existing front setbacks specified on DM 24 were carried forward directly onto the current Setback Map S9A- Irvine Terrace as a part of the Zoning Code Update, which became effective on November 26, 2010, and were not changed or altered.

Between 1953 and 1954, inclusive, the City Council approved several variances, which altered setbacks for several and various properties at a time, to stagger the front setbacks within the Irvine Terrace Community. The findings for the approval state that the staggered setbacks were consistent with the existing development under construction and offered an "architecturally practical" and "interesting tract layout."

Subsequently, the City approved numerous modification permits in Irvine Terrace to allow a portion of buildings to encroach into the required front setbacks, including six on Santanella Terrace prior to 2001, three after 2001; and several others throughout the Irvine Terrace neighborhood. However, it should be noted that those approvals for setback encroachments only apply to the individual projects as presented, and do not

permanently change the setback requirement as does a Code Amendment to the Setback Map.

Modification Permit No. 4440 was approved in 1996, for the neighboring property to the west at 1531 Santanella Terrace, to allow a front setback of 7 feet, 6 inches (the building addition to encroach 14 feet 6 inches and the garage to encroach 8 feet into the required 22-foot front setback). A copy of that approval and related plans is attached for the Commission's information (Attachment No. PC 4).

More recently on July 6, 2010, the City Council adopted Ordinance 2010-11 to amend the Districting Map No. 24 to change the front setback from 38 feet to 16 feet, Code Amendment CA2010-002, for the property located at 1500 Serenade Terrace. The minutes of the City Council and Planning Commission actions are attached (Attachment No. PC 5).

DISCUSSION

Analysis

Irvine Terrace was once characterized by the variation in front setbacks that exist between adjacent properties. Modification permit approvals changed the visual character of Santanella Terrace and the Irvine Terrace neighborhood by allowing the garages to encroach into the front setbacks; the habitable portions of the dwelling remained farther from the street. This started a new trend whereby the setback variation is provided on a single lot rather than between two adjoining lots. Refer to Attachment No. PC 6 for subject property front view and aerial photos. This trend is reflected in the plans for the proposed addition to the subject property submitted by the Applicant (Attachment PC 7).

In 2004, the Zoning Code was amended and a "practical difficulty associated with the lot" finding was introduced for modification permits. This finding cannot be made for the subject property, or for most Irvine Terrace lots, as there are no development constraints on the property that would preclude development within the buildable area. Development constraints are typically associated with unusual topography or lot configuration (lot shape). Such development constraints do not exist on the subject property, therefore, there would be no basis to support the necessary findings for the subject property. Therefore, the applicant has applied for the Code Amendment to change the front setback for this property on the setback map.

The subject street is comprised of a total of 40 properties with front setbacks that range between 5 and 35 feet. The subject property has a 34-foot front setback, which is one of two properties with setbacks greater than 30 feet on Santanella Terrace. The required front setbacks on the adjacent properties are 22 feet (1531 Santanella Terrace) and 5 feet (1543 Santanella Terrace), westerly and easterly of the subject property, respectively. The approval of the proposed 19-foot front setback for the subject property would reduce the range of setback variations between the three abutting properties;

however, visually, the setback variations of single-story structures are more apparent when they are a closer to the street, refer to the attached aerial that depicts the existing setbacks, garage orientation and the proposed subject property setback change (Attachment No. PC 8).

The Planning Commission should determine whether or not the visual character of the streetscape, as originally defined by variation in front setbacks, warrants retention of the current 34-foot front setback for the subject property (1324 Santanella Terrace also has a front setback greater than 30 feet, 35 feet required). Staff is of the opinion that the proposed 19-foot front setback is consistent with the visual character of the neighborhood, provides adequate setback variation between the adjacent properties, and therefore is consistent with the intent of the original setback requirements.

Zoning Code Development Standards

The effect of the proposed Code Amendment to the Zoning District Development Standards on the subject property will allow the building and fences/walls higher than 42 inches tall to be constructed closer to the street, will increase the buildable area of the property, and thereby allow for a larger building footprint and overall building floor area.

This application was submitted prior to the effective date of the updated Zoning Code and is subject to review under the former Zoning Code. It should be noted that pursuant to Section 20.66.040.B of the former Zoning Code, "parking or storage of vehicles in required front yards shall be prohibited, except on driveways in front of garages that are set back a minimum of 19 feet from the front property line." This requirement is intended to keep parked vehicles from encroaching into public rights-of-way (public sidewalks). The updated Zoning Code that went into effect on November 26, 2010, Section 20.42.090.C.3a, would require a minimum of 20 feet from the front property line. Staff is satisfied that the proposed setback change to provide the minimum 19 feet from the front property line and allow for the parking of vehicles in front of the new garage is adequate in this case.

Findings

In accordance with Chapter 20.94 Amendments, Section 20.94.010 Method of Amendment, of the Municipal Code, the Zoning Code "may be amended by changing the boundaries of districts or by changing any other provision thereof, whenever the public necessity and convenience and the general welfare requires such amendment by following the procedure of the chapter." The Setback Map S9A – Irvine Terrace is a codified section of Title 20, the Zoning Code and may be amended in accordance with Chapter 20.94.

Staff is of the opinion that in this particular case, the adoption of the amendment to the setback map to reduce the front setback from 34 feet to 19 feet, will serve the public necessity and convenience and the general welfare by providing a front setback for the

subject property that is within a narrower setback range with that of the immediately adjacent properties. This setback change will afford the applicant comparable enjoyment of property rights as his neighbors, accommodate a proposed addition to the existing single family dwelling that will be beneficial to the neighborhood, and still provide a variation of front setbacks with the neighboring properties.

The approval of the proposed 19-foot front setback will reduce the range of setback variation between the three abutting properties, which is compatible and consistent with the range of staggered front setbacks for other homes within the Irvine Terrace neighborhood.

Environmental Review

The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations). The project involves a change in front setback established on a Setback Map, which is consistent with this exemption.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of ten days in advance of this hearing, consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Javier S. Garcia AICP, Senior Planner

Submitted by:

Patrick J. Alford, Planning Manager

ATTACHMENTS

- PC 1 Applicant's Letter of Justification
- PC 2 Draft Resolution
- PC 3 Setback Map S9-A- Irvine Terrace
- PC 4 Modification Permit No. 4440, 1531 Santanella Terrace
- PC 5 Excerpt of City Council and Planning Commission Minutes
- PC 6 Photo of Subject Property and Aerial Photo
- PC 7 Aerial Photo -Setbacks, Building and Garage Exhibit
- PC 8 Project Plans
- PC 9 Homeowner's Association Letter

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APPLICANT'S LETTER OF JUSTIFICATION FOR CA2010-010

JOHNSON RESIDENCE 1537 Santanella Terrace

PROJECT DESCRIPTION AND JUSTIFICATION:

Project Setting

During the scope of a minor room addition (Permit No. 2665-2010), the Owner was advised that the front-yard setback on their subject property was 34-feet. A subsequent discussion determined that to meet the needs of their growing family, additional area was required that could not be achieved in any other practical location on the subject property without complete demolition.

The subject property is located in the Irvine Terrace neighborhood, which is bounded by East Coast Highway, Jamboree Road, Bayside Drive and Avocado Avenue. Specifically, the project site is located on the westerly side of Santanella Terrace between Bonnie Doone and Serenade Terrace. The topography in the Irvine Terrace neighborhood slopes downward from East Coast Highway to Bayside Drive.

Project Description

The current 34-foot front-yard setback requirement for the subject property is established on Districting Map No. 24. Minimum front-yard setbacks range from 8 feet to 39 feet on Santanella Terrace. The applicant's request is that a new, 19-foot front-yard setback be established.

The Homeowner's Association has been advised of the request and, in this case, under their letterhead, they have deferred their approval to the City of Newport Beach Planning Department.

Background

Irvine Terrace was one of the City's first subdivisions and planned communities. A staggered setback concept was approved with the original tract map in an agreement between the City and Irvine Company. A condition of approval required that variances would be needed to establish setbacks at a later date and be reflected on Districting Map No. 24.

In 1953 and 1954, the City Council approved several variances to stagger the front-yard setbacks in Irvine Terrace. The findings for the approval state that the staggered setbacks were consistent with the existing development under construction and offered an "architecturally practical" and "interesting tract layout."

In subsequent years, the City approved numerous modification permits in Irvine Terrace to allow buildings to encroach into the required front-yard setbacks, including nine on Serenade Terrace and a few others throughout the Irvine Terrace neighborhood.

Johnson Residence Page Two

DISCUSSION:

Analysis

Neighborhood Character

Irvine Terrace was once characterized by the extreme variation in front-yard setbacks. Modification permit approvals changed the visual character of Santanella Terrace by allowing the garages to encroach into the front-yard setbacks; the habitable portions of the dwelling remained farther from the street. This started a new trend whereby the setback variation is provided on a single lot rather than between each two adjoining lots.

Prior to 2004, property owners in Irvine Terrace were granted modification permits allowing encroachment in front-yard setbacks. In 2004, a "practical difficulty associated with the lot" finding was introduced for modification permits. This finding cannot be made for the subject property, or for most Irvine Terrace lots, as there are not any development constraints on the property that would preclude development within the buildable area. The only option available is a code amendment to change front-yard setback for this property on the districting map.

The subject property has a 34-foot front-yard setback, which is one of the largest on the street. The front-yard setbacks on the adjacent properties are 5 feet and 7 feet. The approval of the proposed 19-foot front-yard setback would reduce the extreme setback variations between properties. In addition, this 19-feet would allow for a car to be parked in front of the garage within the confines of the subject property.

Submitted by:

Andrew Goetz, Architect

RESOLUTION FOR CA2010-010

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING THAT THE CITY COUNCIL ADOPT CODE AMENDMENT NO. CA2010-010, TO REVISE SETBACK MAP NO. S-9A (IRVINE TERRACE) TO ESTABLISH A 19-FOOT FRONT SETBACK FOR THE PROPERTY LOCATED AT 1537 SANTANELLA TERRACE (PA2010-176)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- An application was filed by Andrew Goetz, on behalf of the property owner Stacie Johnson, with respect to property located at 1537 Santanella Terrace, and legally described as Lot 28 of Tract 1701, requesting approval of a Code Amendment.
- The applicant proposes a Zoning Code amendment to change a front setback established on Setback Map No. S-9A, Irvine Terrace (formerly designated as Districting Map No. 24) from 34 feet to 19 feet.
- The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
- The subject property is located within the coastal zone and is subject to the categorical exclusion order (CEO). The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-A).
- 5. A public hearing was held on January 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

- The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations). The project involves a change in front setback established on a Setback Map, which is consistent with this exemption.
- To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages,

actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Johnson Residence including, but not limited to, Code Amendment No. CA2010-010. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

SECTION 3. FINDINGS.

- Code amendments are legislative acts. Neither the City Municipal Code nor State Planning Law set forth any required findings for either approval or denial of such amendments, unless they are determined not to be required for the public necessity and convenience and the general welfare.
- 2. In accordance with Section 20.94.010 of the Municipal Code, adoption of the change to the setback map to reduce the front setback from 34 feet to 19 feet, will serve the public necessity and convenience and the general welfare by providing a front setback for the subject property that is within a narrower setback range with that of the immediately adjacent properties. This setback change will afford the applicant comparable enjoyment of property rights as his neighbors, accommodate a proposed addition to the existing single family dwelling that will be beneficial to the neighborhood, and still provide a variation of front setbacks with the neighboring properties.
- The approval of the proposed 19-foot front setback will reduce the range of setback variation between the three abutting properties, which is compatible and consistent with the range of staggered front setbacks for other homes within the Irvine Terrace neighborhood.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

The Planning Commission hereby recommends that the City Council of the City of Newport Beach approve Code Amendment No. CA2010-010 establishing a 19-foot front setback at 1537 Santanella Terrace, Lot 28 Tract 1701.

Planning Commissi	on Resolution No.
•	Page 3 of 3

PASSED, APPROVED AND ADOPTE	D THIS 20th DAY OF JANUARY, 2011.
AYES:	
NOES:	
BY: Earl McDaniel, Chairman	
BY: Michael Toerge, Secretary	

Attachment No. PC 3
SETBACK MAP S9-A - IRVINE TERRACE

Name: S-9A / October 26, 2010

S-9A - Irvine Terrace

Setback Map

MODIFICATION PERMIT NO. 4440 1531 SANTANELLA TERRACE



CITY OF NEWPORT BEACH

PO BOX 1765, NEWTOR LIFE ACTUA A 22055 5 (2)

PLANNING DEPARTMENT 644-3200

May 16, 1996

Application Modification No 4440

Applicant. Joseph and Deborah Bulwa

Address of Property Involved 1531 Santanella Terrace

Legal Description | Lot 27, Tract 1701

Modification Requested Request to permit the construction of additions to a single family dwelling which will encroach to within 7 feet and 6 inches of the front property line, where a 22 foot front yard setback is required

The Modifications Committee on, May 14,1996, unanimously approved the application subject to the following conditions

- That development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following Condition No. 2
- That the proposed easterly addition shall maintain a minimum front yard setback of 12 feet from the property line and that the westerly addition shall maintain a minimum front yard setback of 14 feet from the property line

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings

- 1 That the development, as approved, will not be detrimental to the surrounding area or increase any detrimental effect of the existing use
- 2 That this project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities) and Class 5 (Minor Alterations in Land Use Limitations)
- That the front yard setbacks, as approved, are consistent with the staggered setbacks as required by the City along Santanella Terrace

3300 Newport Boulevard, Newport Beach

May 22, 1996 Page 2

- 4. That the Modifications Committee determined that in this case, the front setbacks as proposed would be detrimental to persons, property and improvements in the neighborhood, and that the applicant's request would not be consistent with the legislative intent of Title 20 of the Newport beach Municipal Code
- That structures on sites adjoining the subject property generally maintain a minimum of a 10 foot front yard setback.

NOTE: This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.81.090 of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$876.00. No building permits may be issued until the appeal period has expired

MODIFICATIONS COMMITTEE

By Dana Aslami

Dana Aslami Associate Planner

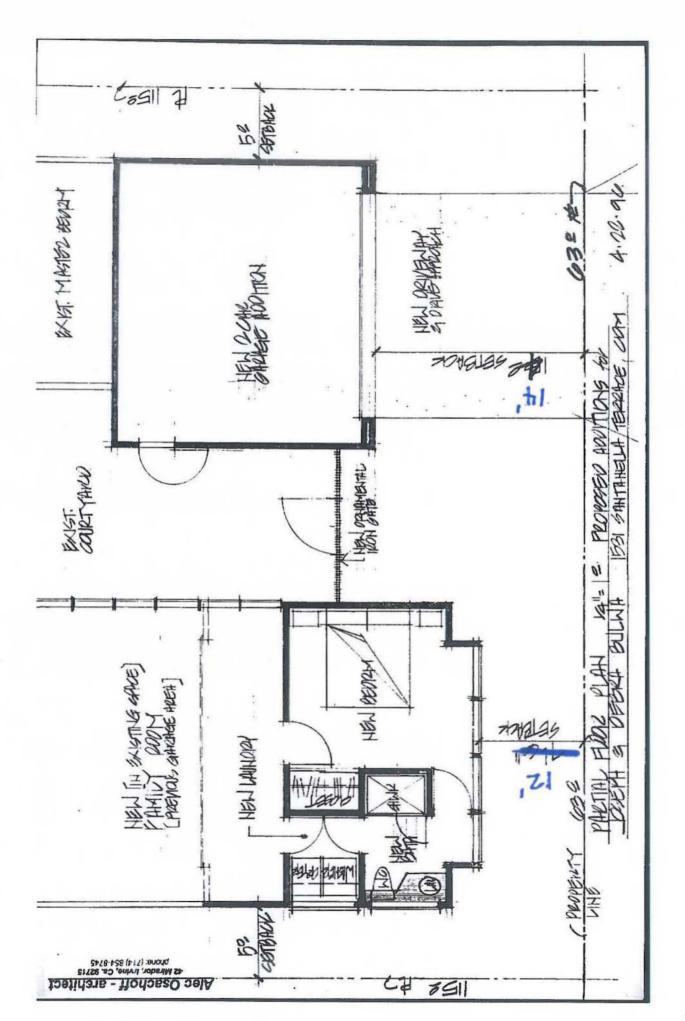
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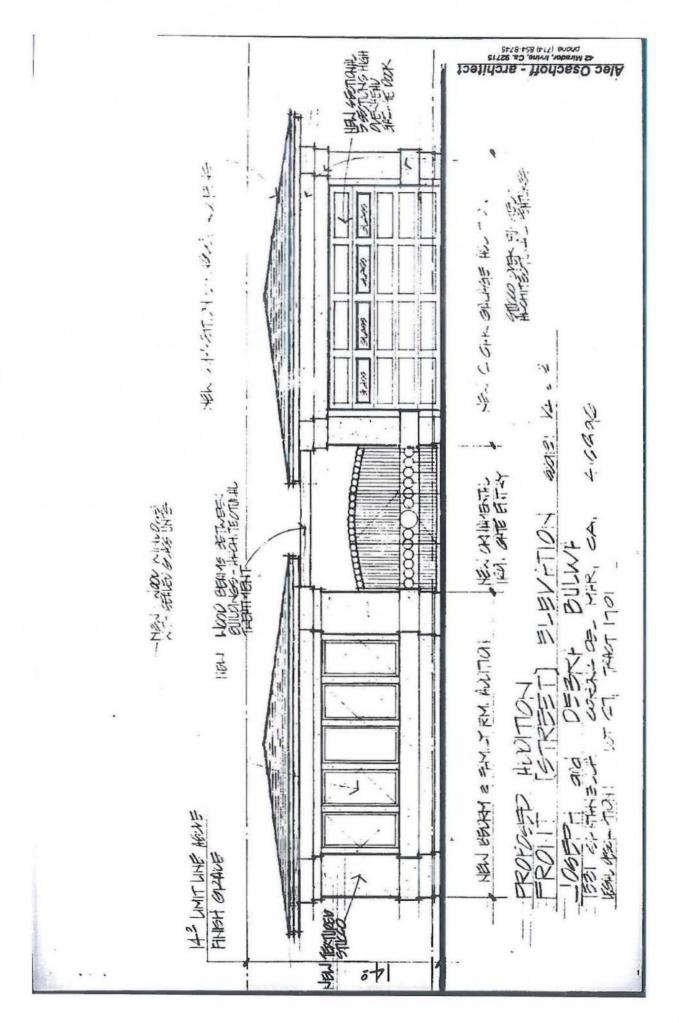
Appeared in Support:

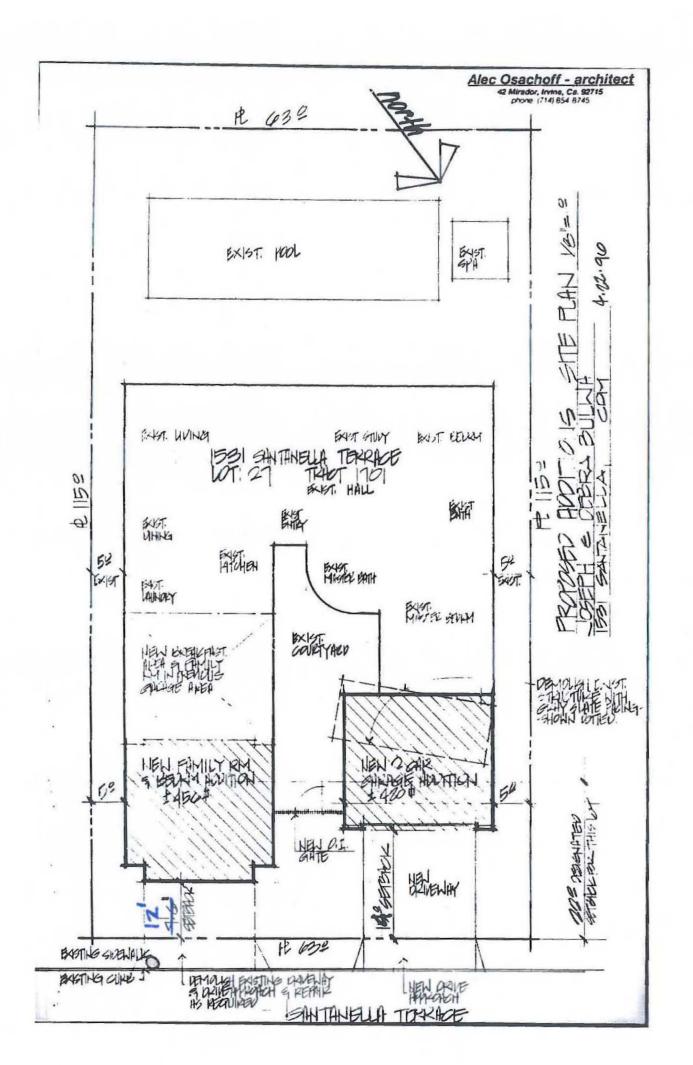
Two neighboring property owners

Appeared in Opposition

Two neighboring property owners







Excerpt of City Council and Planning Commission Minutes for CA2010-002

NEWPORT BEACH PLANNING COMMISSION MINUTES

05/20/2010

SUBJECT: N	MINUTES of the regular meeting of April 22, 2010.	ITEM NO. 1
Motion was made by Commissioner Hillgren, seconded by Commissioner Unsworth, to amend the April 22, 2010 minutes and continue to June 3, 2010.		Continued to June 3, 2010
Motion carrie	d with the following vote:	
Ayes: Abstained: N	Eaton, Unsworth, Peotter, Hawkins, Toerge, and Hillgren	
	* * *	
	PUBLIC HEARING ITEMS	
150	Ambrosia Residence (PA2010-017) 00 Serenade Terrace	PA2010-017 Continued
	code amendment to change the front-yard setback established on stricting Map No. 24 from 38 feet to 16 feet.	from April 22 2010
Russell Bunir presentation.	m, Assistant Planner, presented the staff report with a slide show	Approved
Public comm	ent was opened.	
Matt D'Ambro comments.	osia, applicant and owner, presented slide show and made	
Comments in	support were given by the following:	
 Joseph 	eale, architect A. Solvoso II, resident on Serenade Terrace and President of Perrace Community Association	
Public comm	ent was closed.	
to adopt a Amendment	e by Commissioner Toerge, seconded by Commissioner Hillgren, resolution recommending City Council adoption of Code No. CA2010-002 to revise Districting Map No. 24 to establish a syard setback at 1500 Serenade Terrace.	
Motion carri	ed with the following vote:	
	Eaton, Unsworth, Peotter, Hawkins, McDaniel, Toerge, and Hillgren None	
	* * *	

Resolution No. 2010-76-Calling and Giving Notice of the Holding of a General Municipal Election on Tuesday, November 2, 2010 for the Submission of Proposed Charter Amendments and Ordinance Repeal; b) adopt Resolution No. 2010-77-Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 2, 2010, with the Statewide General Election to be Held on the Same Date Pursuant to California Elections Code Section 10403; c) adopt Resolution No. 2010-78-Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 2, 2010; d) adopt Resolution No. 2010-79-Setting Priorities for Filing Written Arguments Regarding City Measures and Directing the City Attorney to Prepare an Impartial Analysis; and e) adopt Resolution No. 2010-80-Providing for the Filing of Rebuttal Arguments for the One City Measure Submitted to Voters at the General Municipal Election to be Held on Tuesday, November 2, 2010 Pursuant to California Elections Code Section 9285.

The motion carried by the following roll call vote:

Ayes: Council Member Selich, Council Member Rosansky, Mayor Pro Tem Henn, Mayor Curry, Council Member Webb, Council Member Gardner Absent: Council Member Daigle

XII. CONSENT CALENDAR

A. READING OF MINUTES/ORDINANCES AND RESOLUTIONS

- MINUTES OF THE ADJOURNED REGULAR MEETING AND REGULAR MEETING OF JUNE 22, 2010. [100-2010] Waive reading of subject minutes, approve as written, and order filed.
- READING OF ORDINANCES AND RESOLUTIONS. Waive reading in full
 of all ordinances and resolutions under consideration, and direct City Clerk to
 read by title only.

B. ORDINANCES FOR ADOPTION

- 8. CODE AMENDMENT TO ALLOW THE CHANGE OF A FRONT-YARD SETBACK ESTABLISHED ON DISTRICTING MAP NO. 24 FROM 38 FEET TO 16 FEET (PA2010-017). [100-2010] Adopt Ordinance No. 2010-11 approving Code Amendment No. CA2010-002.
- 4. DIAGNOSTIC AND INTERVENTIONAL SPINAL CARE (D.I.S.C.)
 (PA2010-062) 8501 JAMBOREE ROAD AND 801 BAYVIEW CIRCLE PLANNED COMMUNITY AMENDMENT NO. PD2010-004 AND
 TRAFFIC STUDY NO. TS2010-002 ADDING OUTPATIENT SURGERY
 AND MEDICAL OFFICE AS PERMITTED USES, ADDING PARKING
 REQUIREMENT OF 1/200 SQUARE FEET FOR SUCH USES, AND
 FINDING THAT THE TRAFFIC STUDY COMPLIES WITH THE
 TRAFFIC PHASING ORDINANCE. [100-2010] Adopt Ordinance No. 201012 approving Planned Community Amendment No. PD2010-004.

C. RESOLUTIONS FOR ADOPTION

 APPROVAL OF RESOLUTIONS ADOPTING MEMORANDUM OF UNDERSTANDING WITH THE POLICE ASSOCIATION (PA), POLICE Regarding Item 5 (Memorandum of Understanding with the Police Association, Police Management Association, and Association of Newport Beach Ocean Lifeguards), Mayor Curry stated that Police staff have made significant contributions to their pension costs and expressed appreciation for their efforts to maintain service levels.

Motion by Mayor Pro Tem Henn, seconded by Council Member Webb to approve the Consent Calendar, and noting the correction to Item 13.

The motion carried by the following roll call vote:

Ayes: Council Member Selich, Council Member Rosansky, Mayor Pro Tem Henn, Mayor Curry, Council Member Webb, Council Member Gardner
Absent: Council Member Daigle

XIII. ITEMS REMOVED FROM THE CONSENT CALENDAR - None

XIV. ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

Council Member Webb corrected a Daily Pilot article by clarifying that his walks around Newport Beach are also done with his wife, not alone.

XV. PUBLIC COMMENTS

Matthew Thomas urged Council to adopt an ordinance requiring restaurants to attend Responsible Beverage Serving (RBS) training.

Mayor Pro Tem Henn noted that RBS training has been required in the City. City Manager Kiff stated that he will provide a report to Council regarding RBS training at a later date.

Laura Dietz, Sunrise Rotary Club, invited residents to attend the Second Annual Lobster Fest on August 1, 2010 at the Newport Beach Waterfront Resort and encouraged residents to visit their website at www.lobsterfestatnewportbeach.com or call (949) 721-8035 for more information.

XVII. CURRENT BUSINESS

12. NEXTG TELECOM PERMITS FOR A DISTRIBUTED ANTENNA SYSTEM WITHIN THE PUBLIC RIGHT-OF-WAY. [68/100-2010]

Associate Planner Brown provided the history of NextG Telecom, showed a map and photos depicting the proposed locations, discussed applicable ordinances, indicated that the locations are subject to review by Council, recommended that Council deny the first five applications because the new monopoles are not consistent with current City ordinances, and provided information relative to staff's recommendation to approve the proposed installation of antennas at the Marcus Avenue and Santa Ana Avenue locations. She noted that the permits will require approval from the Coastal Commission.

In response to Council Member Rosansky's question, Council Member Webb explained that when the power lines are placed underground, the existing antenna will need to be moved to a streetlight or other existing location, and all of the other equipment will be placed underground with the power lines.

Carver Chiu, Plancom Incorporated, thanked staff for the time spent on the project, provided information about the services that NextG offers, expressed their

Marine Avenue Business Improvement District (BID) confirming the levy of the BID assessment for the 2010-2011 fiscal year, unless during the Public Hearing the Council received protests representing 50 percent or more of the total assessment amount.

The motion carried by the following roll call vote:

Ayes: Council Member Selich, Council Member Rosansky, Mayor Pro Tem Henn, Mayor Curry, Council Member Webb, Council Member Gardner, Council Member Daigle

21. CORONA DEL MAR BUSINESS IMPROVEMENT DISTRICT (BID) RENEWAL: CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION CONFIRMING THE LEVY OF ASSESSMENT FOR THE RENEWAL OF THE BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2010-2011. [100-2010]

Motion by Council Member Rosansky, seconded by Council Member Webb to Conduct public hearing; and b) adopt Resolution No. 2010-68 confirming the levy of assessment for the renewal of the Corona del Mar Business Improvement District (BID) confirming the levy of the BID assessment for the 2010-2011 fiscal year, unless during the Public Hearing the Council received protests representing 50 percent or more of the total assessment amount.

The motion carried by the following roll call vote:

Ayes: Council Member Selich, Council Member Rosansky, Mayor Pro Tem Henn, Mayor Curry, Council Member Webb, Council Member Gardner, Council Member Daigle

22. NEWPORT BEACH RESTAURANT ASSOCIATION BUSINESS IMPROVEMENT DISTRICT (BID) RENEWAL: CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION CONFIRMING THE LEVY OF ASSESSMENT FOR THE RENEWAL OF THE BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2010-2011. [100-2010]

Motion by Mayor Pro Tem Henn, seconded by Council Member Webb to adopt Resolution No. 2010-69 confirming the levy of assessment for the renewal of the Restaurant Association Business Improvement District (BID) confirming the levy of the BID assessment for the 2010-2011 fiscal year, unless during the Public Hearing the Council received protests representing 50 percent or more of the total assessment amount.

The motion carried by the following roll call vote:

Ayes: Council Member Selich, Council Member Rosansky, Mayor Pro Tem Henn, Mayor Curry, Council Member Webb, Council Member Gardner, Council Member Daigle

28. CODE AMENDMENT TO ALLOW THE CHANGE OF A FRONT-YARD SETBACK ESTABLISHED ON DISTRICTING MAP NO. 24 FROM 88 FEET TO 16 FEET (PA2010-017). [100-2010]

Mayor Curry opened the public hearing.

Joe Silvoso II, President of Irvine Terrace Community Association, expressed support for the Code Amendment.

Hearing no further testimony, Mayor Curry closed the public hearing.

FILE COPY

Motion by Council Member Webb, seconded by Council Member Rosansky to introduce Ordinance No. 2010-11 approving Code Amendment No. CA2010-002, and pass to second reading on July 6, 2010.

The motion carried by the following roll call vote:

Ayes: Council Member Selich, Council Member Rosansky, Mayor Pro Tem Henn, Mayor Curry, Council Member Webb, Council Member Gardner, Council Member Daigle

24. DIAGNOSTIC AND INTERVENTIONAL SPINAL CARE (D.I.S.C.) (PA2010-062) - 3501 JAMBOREE ROAD AND 301 BAYVIEW CIRCLE - PLANNED COMMUNITY AMENDMENT NO. PD2010-004 AND TRAFFIC STUDY NO. TS2010-002 - ADDING OUTPATIENT SURGERY AND MEDICAL OFFICE AS PERMITTED USES, ADDING PARKING REQUIREMENT OF 1/200 SQUARE FEET FOR SUCH USES, AND FINDING THAT THE TRAFFIC STUDY COMPLIES WITH THE TRAFFIC PHASING ORDINANCE. [100-2010]

Assistant Planner Whelan reported that the traffic study concluded that the project will not create a significant impact at the study intersections and staff recommended that Council introduce the Ordinance finding that the traffic study complies with the Traffic Phasing Ordinance.

In response to Council Member Gardner's question, Assistant Planner Whelan stated that the Braykob's reside in the Bayview Planned Community.

Council Member Daigle noted that the Planning Commission recommended approval of the project, stated that the building is 73% vacant which is a great economic development opportunity, and expressed appreciation for SK Hart's willingness to invest in the City.

Motion by Council Member Daigle, seconded by Council Member Webb to a) introduce Ordinance No. 2010-12 approving Planned Community Amendment No. PD2010-004, and pass to second reading on July 6, 1020; and b) adopt Resolution No. 2010-70 finding that the traffic study complies with the Traffic Phasing Ordinance, and based on the weight of the evidence in the administrative record, including Traffic Study No. TS2010-002, the construction of the Project will be completed within 60 months of the project approval, the Project will neither cause nor make worse an unsatisfactory level of traffic service at any impacted primary intersection, and no improvements or mitigations are necessary

The motion carried by the following roll call vote:

Ayes: Council Member Selich, Council Member Rosansky, Mayor Pro Tem Henn, Mayor Curry, Council Member Webb, Council Member Gardner, Council Member Daigle

S26. HOAG MEMORIAL HOSPITAL PRESBYTERIAN - DEVELOPMENT AGREEMENT ANNUAL COMPLIANCE REVIEW (C-2912). [38/100-2010]

Motion by Council Member Rosansky, seconded by Council Member Webb to continue the item to the July 27, 2010 meeting.

The motion carried by the following roll call vote:

PHOTO OF FRONT OF 1327 SANTANELLA TERRACE FOR CA2010-010



Address 1300 Santanella Terrace

Address is approximate

PHOTO OF 1327 SANTANELLA TERRACE





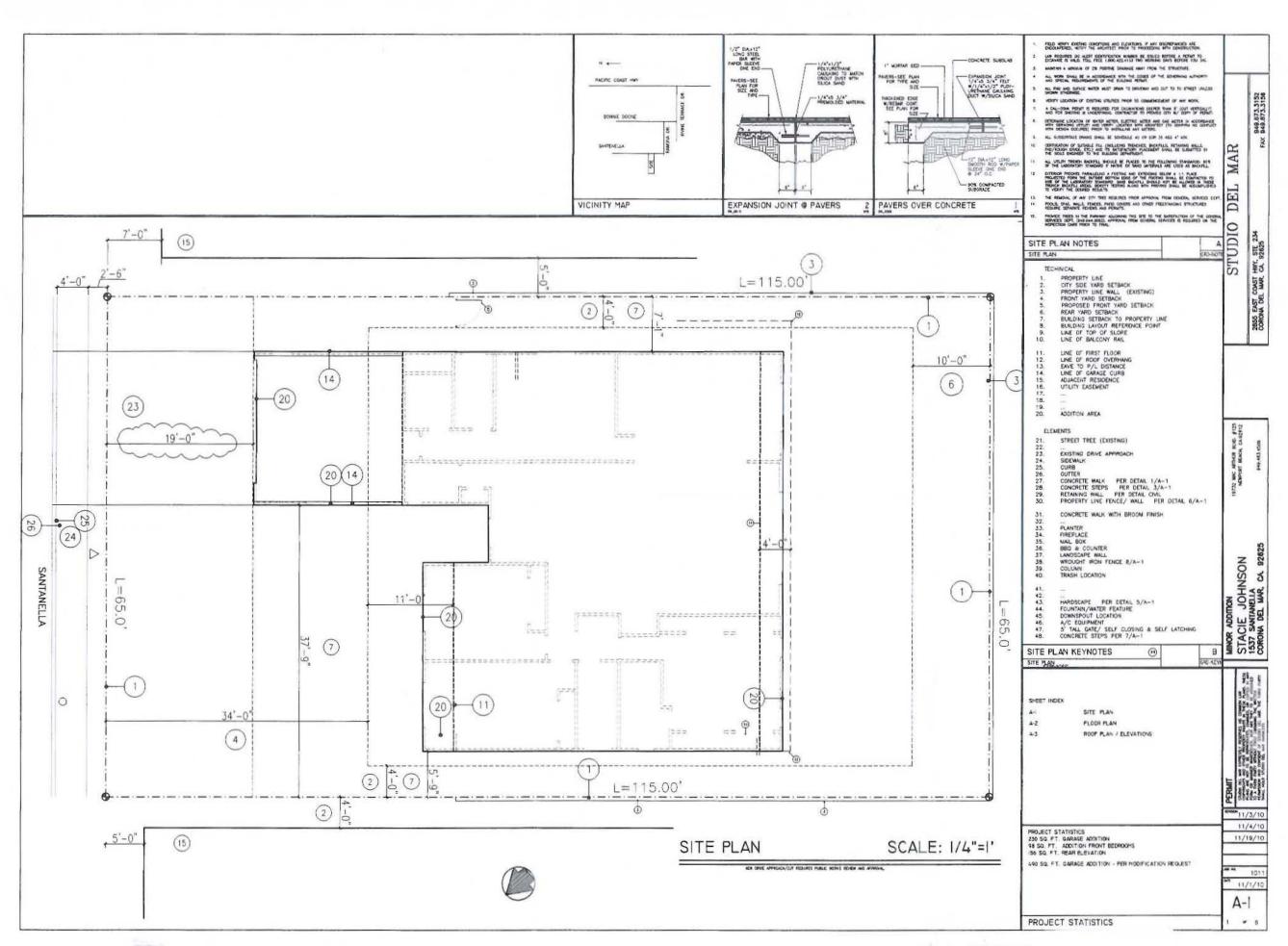
PHOTO- 1537 SANTANELLA TERRACE

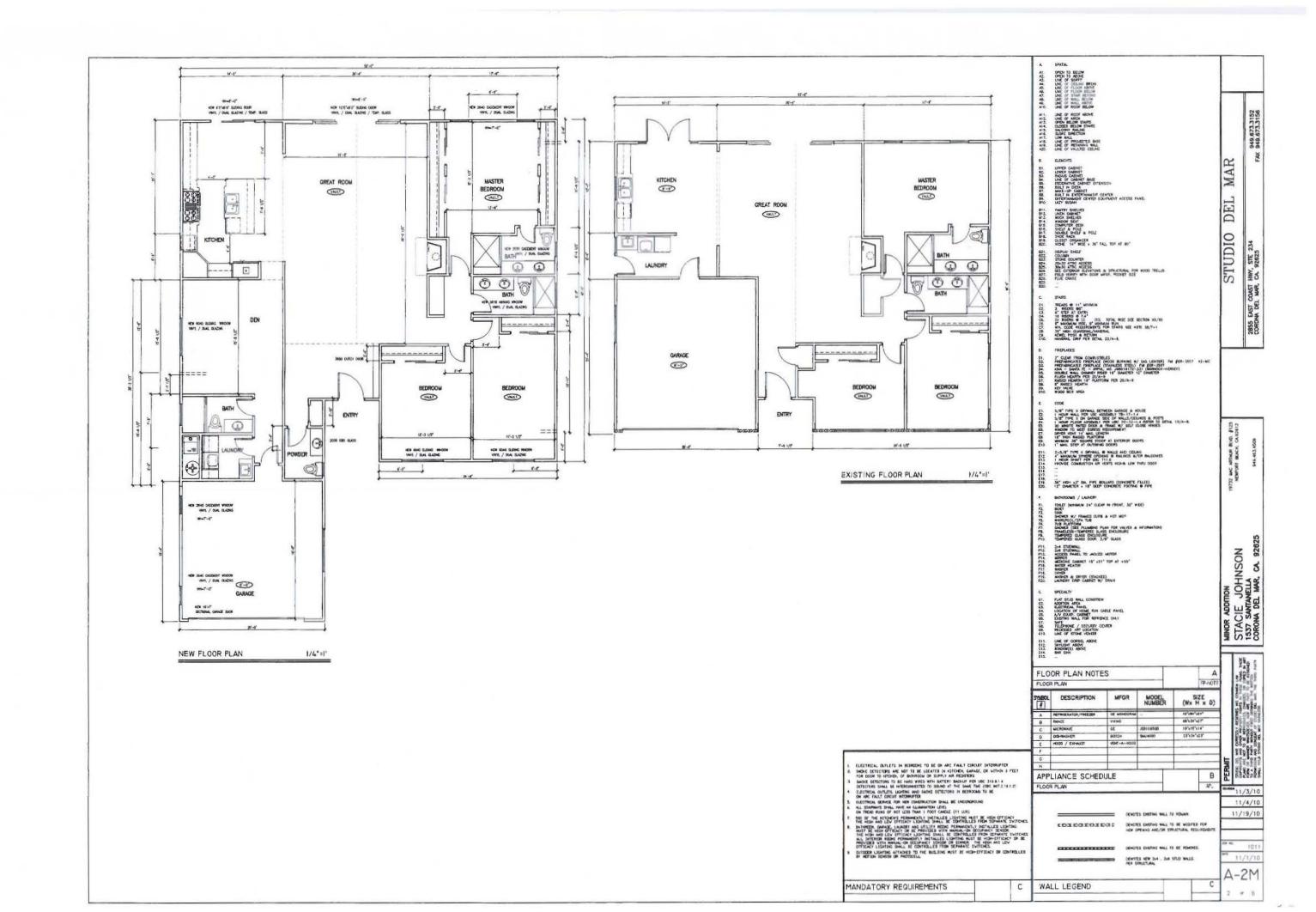


AERIAL PHOTO- 1537 Santanella Terrace (Code Amendment No. 2010-010) & 1500 Serenade Terrace (Code Amendment No. 2010-002)



PROJECT PLANS 1537 SANTANELLA TERRACE FOR CA2010-010 PLANNING DEPARTMENT
NOV 3 0 2010
CITY OF NEWPORT BEACH





ROOF PLAN 10 0-21/2 21/2 FRONT ELEVATION 10 SCALE: 1/4"=1" 51-12 SLOW COMM (2)-(B) 212 212 -(B) 0 0-0-EFT ELEVATION ELEVATION KEYNOTES ********* 0 0 1/4"=1" 0 9 **(a)** ROOF NOTES 2000 200000000 0112201251 3000001000 7 SALE MAN TO SALE THE 33 1/4"=1" # CEMENT PLASTER 3e41 -(2) (6) EBNY 4/1. 1 DATEA STUDEO 1881 CALPURNA ME CORPINA, CA. RESSI SCIL 137 7447 CANCEL MARKED WAS AND PERMIT

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THE THESE CES. AND RESIDENCES. MINOR ADDITION STACIE JOHNSON 1537 SANTANELLA CORONA DEL MAR, CA 92625 STUDIO DEL MAR 19732 MAC ARTHUR BLVD. #125 NEWPORT BEACH, CA.92612 2855 EAST COAST HWY, STE 234 CORONA DEL MAR, CA. 92625 949.573.3152 FAX 849.673.3156 949.463.4509

3

AERIAL PHOTO-SETBACKS, BUILDING AND GARAGE EXHIBIT FOR CA2010-010



AERIAL PHOTO- SETBACKS, BUILDING AND GARAGE EXHIBIT:

D Denotes Direct Access Garage

Denotes Side Access Garage

Denotes Setback Line

Denotes Modification Setback Line

Denotes Proposed Setback Line

H.O.A. LETTER FOR CA2010-010 IRVINE TERRACE COMMUNITY ASSOCIATION C/O Merit Property Management - Orange County 1 Polaris Way Suite 100 Aliso Viejo, CA 92656

Ph: 949-448-6000 Fax: 949-448-6400



Wednesday, November 17, 2010

STACIE JOHNSON 1537 SANTANELLA Ter CORONA DEL MAR CA 92625

RE: ARC REQUEST

Dear STACIE JOHNSON:

Thank you for submitting your plans to the Irvine Terrace Community Association. The Architectural Committee was unable to approve your plans at this time and request that you provide the following:

1) Provide the approval of variance from the City of Newport Beach, as proposed addition is inside the 34'-0" setback as set by the City for this lot.

Once the above have been addressed, please submit a copy to our office by no later than December 17, 2010. If you are unable to meet this deadline, please contact our office to advise. Should you have any questions, please contact our office at (949) 448-6000 or by email mbadamain@meritpm.com. Thank you for your patience and cooperation.

Sincerely,

Architectural Committee Irvine Terrace Community Association

CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

January 20, 2011 Meeting Agenda Item 4

SUBJECT:

F & M Bank Parking Waiver - (PA2010-141)

2421 East Coast Highway

Use Permit No. UP2010-031

APPLICANT: Planet Design, Inc.

PLANNER:

Fern Nueno, Assistant Planner

(949) 644-3227, fnueno@newportbeachca.gov

PROJECT SUMMARY

The applicant is applying for a conditional use permit requesting a parking waiver of seven (7) spaces to allow the addition of approximately 450 square feet of gross floor area to an existing 3.505-square-foot building.

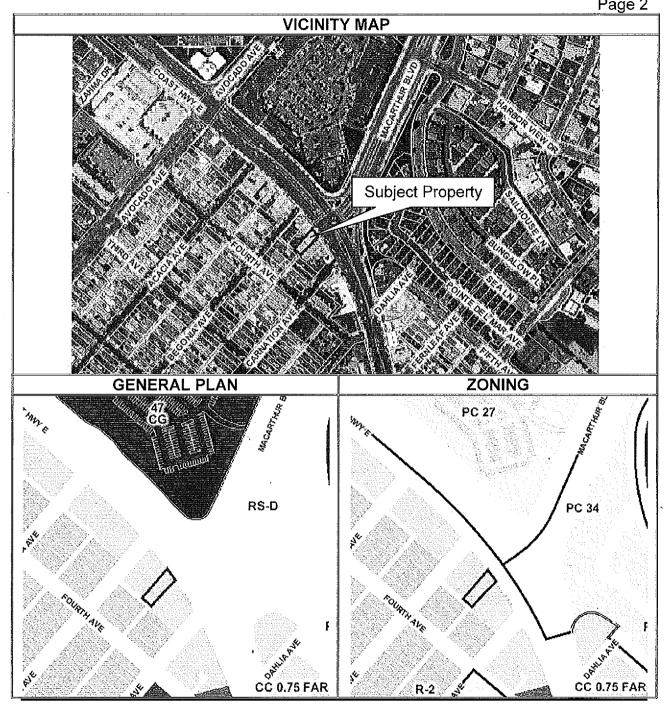
RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ___ approving Conditional Use Permit No. UP2010-031 (Attachment No. PC 1).

INTRODUCTION

Project Setting

The subject property is located on the south side of East Coast Highway, at the intersection of MacArthur Boulevard in the commercial corridor of Corona del Mar. More specifically, the property is situated within a commercial block that is currently occupied by the Bungalow Restaurant, Golden Spoon Yogurt Shop, Rothschild's Restaurant, and retail and office uses. To the rear of the property are single- and twounit residential properties. The subject property is presently developed with a 3,505square-foot building, previously used as a retail rug store. The existing building is nonconforming because code-required parking is not provided. A total of eleven (11) parking spaces are provided on-site within a below grade parking garage that is accessed from the public alley to the rear.



LOCATION	GENERAL PLAN	ZONING	CURRENT USE	
ON-SITE	Corridor Commercial (CC)	Commercial Corridor (CC)	Vacant office/retail building	
NORTH	General Commercial (CG)	Planned Community (PC 27)	Corona del Mar Plaza	
SOUTH	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Single- and two-unit residential	
EAST	Corridor Commercial (CC) and (RS-D)	Commercial Corridor (CC)	Gas station and single-unit residential	
WEST	Corridor Commercial (CC)	Commercial Corridor (CC)	Restaurants and retail	

Project Description

The applicant is proposing to remodel and enlarge the building and to change the use of the existing retail space to a financial institution. The proposed construction includes demolishing an existing 632-square-foot mezzanine and enclosing 1,132 square feet of an existing deck located towards the alley above the parking garage. The overall gross floor area of the building would have a net increase of approximately 450 square feet, from 3,505 to 3,964 square feet. The addition will provide room for a vault, restrooms, an employee break room, and a storage area. The addition will also allow an elevator and customer area to allow access for customers to enter the bank service area from the parking garage below.

The scope of the construction requires upgrading the parking garage to bring the parking into compliance with disabled parking requirements and to increase the size of substandard parking spaces. This will result in a loss of two (2) parking spaces with nine (9) code-compliant parking spaces provided after the proposed construction.

DISCUSSION

Ordinance 2010-21, which adopted the current Zoning Code, provides that discretionary and ministerial applications deemed complete prior to the effective date of the ordinance may be processed under the previous Zoning Code, provided they are found consistent with the General Plan. The Conditional Use Permit application was submitted and deemed complete prior to the adoption of the current Zoning Code. Therefore, this project is being reviewed subject to regulations of the previous Zoning Code. Specifically, the application includes a request to utilize a section of the previous Zoning Code, which allows for an addition provided that the code-required parking is provided or waived with a use permit. A waiver of required parking spaces can be approved if a municipal parking lot is located nearby.

Analysis

General Plan, Zoning Code, and Coastal Land Use Plan Consistency

The financial institution use is consistent with the Corridor Commercial land use designation of the General Plan, the Commercial Corridor (CC) Zoning District, and the Corridor Commercial (CC) Coastal Land Use Plan category, which are intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The proposed use as designed is a retail oriented financial institution that will serve residents, visitors, and business owners in the area consistent with the intent of the land use designation.

Required Parking

The existing building is nonconforming due to insufficient off-street parking because eleven (11) parking spaces are provided and fifteen (15) spaces would be required if the building were being constructed today. The existing 3,505-square-foot building is vacant, but was previously operating as a retail rug store. Retail sales uses require one (1) parking space for every 250 square feet of gross floor area. Section 20.62.050.B of the previous Zoning Code (Nonconforming Parking – Nonresidential Uses) allows for an addition of more than 10 percent of the existing gross floor area of a structure with nonconforming parking if the code required parking is provided or if a use permit is approved to waive or reduce the parking requirement.

With the proposed construction, the parking requirement is increasing by one (1) parking space. Section 20.40.040 (Off-Street Parking Required) of the current Zoning Code¹ requires one (1) parking space for every 250 square feet of gross floor area for financial institutions and related services. The proposed gross floor area is 3,964 square feet; therefore, sixteen (16) parking spaces are required. The garage will provide nine (9) parking spaces for customer use, and the applicant requests a conditional use permit to waive the remaining seven (7) required parking spaces.

Table 1

	Existing	Proposed
Gross Floor Area (square feet)	3,505	3,964
Required No. of Parking Spaces	15	16
Provided No. of Parking Spaces	11	9
Deficient No. of Parking Spaces	4	7

Parking Waiver

Section 20.66.100 (Modification or Waiver of Off-Street Parking Requirements) of the previous Zoning Code allows the Planning Commission to approve a use permit to modify or waive the number of parking spaces required if a municipal parking facility is so located as to be useful in connection with the proposed use on site. A municipal parking lot is located within usable walking distance (less than 500 feet) at Fourth Avenue and Dahlia Avenue and contains thirty-two (32) parking spaces. The applicant proposes to purchase ten (10) parking permits on an annual basis for employee use of the nearby municipal lot.

The Public Works Department has reviewed the application and recommends that the applicant secure parking for employees at a private parking lot rather than in the municipal lot in order to keep the municipal lot available for public use. The applicant has stated that they have had difficulty securing a private, off-site location for employee

¹ The off-street parking requirement of the current Zoning Code for the proposed use is the same as that of the previous Zoning Code.

parking. The Coastal Land Use Plan describes a parking analysis model and field observations done in Corona del Mar in 2002 that indicate the existing supply of parking is more than adequate for the existing uses and land use demands. Furthermore, the Economic Development Division supports the parking waiver based on the 2008 Walker Parking Consultants parking study for the Corona del Mar area, which indicates that the municipal lot is less than 50 percent occupied during weekday and weekend peak occupancy. The use of this municipal parking lot as an employee lot is discussed as a community recommendation in the parking study.

Findings

Section 20.52.020.F of the Zoning Code (Findings and Decision) requires certain findings to be made in order to approve a conditional use permit. The required findings and facts in support of the findings are in the attached draft resolution (Attachment No. PC 1).

Summary

Staff recommends approval of the parking waiver of seven (7) spaces with the condition that the applicant purchase ten (10) parking permits on an annual basis for employee use in the municipal lot. The existing building is nonconforming due to insufficient parking and the net addition is increasing the parking requirement by one (1) parking space.

Alternatives

Should the Planning Commission determine that not all the facts in support of the findings can be made, the Planning Commission may deny the application.

Environmental Review

This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of CEQA Guidelines under Section 15301 Class 1 (Existing Facilities), which exempts the operation of existing facilities involving negligible or no expansion of use, including additions of up to 50 percent of the floor area of the structure before the addition.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of ten days in advance of this hearing, consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

F & M Bank Parking Waiver January 20, 2011 Page 6

Prepared by:

Submitted by:

Fern Nueno, Assistant Planner

Patrick J. Alford, Planning Manager

ATTACHMENTS

PC 1 Draft Resolution with Findings and Conditions

PC 2 Applicant's Project Description

PC 3 Project Plans

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Tmplt: 11/23/09

Draft Resolution with Findings and Conditions

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING CONDITIONAL USE PERMIT NO. UP2010-031 FOR A PARKING WAIVER OF SEVEN SPACES TO ALLOW A 500 SQUARE FOOT FOR PROPERTY LOCATED AT 2421 EAST COAST HIGHWAY (PA2010-141)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Planet Design, Inc., representing Farmers and Merchants Bank, with respect to property located at 2421 East Coast Highway, and legally described as Parcel 1 of Resubdivision 0479, requesting approval of a conditional use permit for a parking waiver.
- 2. The applicant proposes a remodel and addition to an existing building that necessitates the parking to be brought into conformance with Zoning Code standards. Section 20.66.100 of the previous Zoning Code authorizes the Planning Commission to approve a use permit for a parking waiver under certain conditions. The applicant proposes a parking waiver of seven (7) parking spaces to allow the proposed addition to the building.
- 3. The subject property is located within the Commercial Corridor (CC) Zoning District and the General Plan Land Use Element category is Corridor Commercial (CC).
- 4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Corridor Commercial (CC-B).
- 5. A public hearing was held on January 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

- 1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
- 2. Class 1 exempts minor alterations including additions of up to 50 percent of the floor area of the structure before the addition.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

A. The use is consistent with the General Plan and any applicable specific plan.

Facts in Support of Finding:

- A-1. The proposed financial institution use is consistent with the Corridor Commercial (CC) land use designation of the General Plan, which is intended to provide for a range of neighborhood serving retail and service uses along street frontages that are located and designed to foster pedestrian activity.
- A-2. The proposed use is a support use for the residential, office, restaurant, and retail sales uses in the area.
- A-3. The subject property is not part of a specific plan area.

Finding:

B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.

Facts in Support of Finding:

- B-1. Ordinance 2010-21 provides that discretionary and ministerial applications deemed complete prior to the effective date of the ordinance may be processed under the previous Zoning Code, provided they are found consistent with the General Plan.
- B-2. The application for the proposed project was submitted and deemed complete prior to the adoption of the current Zoning Code.
- B-3. The site is located in the Commercial Corridor (CC) Zoning District. This district is intended to provide areas appropriate for a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The financial institution is consistent with the CC District.
- B-4. The financial institution is consistent with the legislative intent of Chapter 20.20 (Commercial Zoning Districts) of the Zoning Code. Section 20.20.020 allows for financial institutions by right in the Commercial Corridor Zoning District. No other specific conditions are required in the Zoning Code for the proposed use.

B-5. If the use permit for a parking waiver is approved, the proposed financial institution is consistent with the parking requirements pursuant to Chapters 20.62 and 20.66 of the previous Zoning Code. The proposed project would require sixteen (16) parking spaces, the garage will provide nine (9) parking spaces, and the applicant will purchase ten (10) parking permits annually for employees to park in the nearby municipal parking lot.

Finding:

C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.

Facts in Support of Finding:

- C-1. The proposed project is located within a nonresidential zoning district, but is adjacent to residential uses to the south. The design is compatible with other businesses on East Coast Highway in that it has a pedestrian friendly façade and entrance along the street with a secondary entrance from the alley in the rear. The size of the building conforms to the floor area ratio allowed in the General Plan and Coastal Land Use Plan.
- C-2. The operating characteristics are that of a typical financial institution and are comparable to other banks in the area. The financial institution is compatible with the nearby businesses and will allow business owners, residents, and visitors to have another banking option in the area. The financial institution will not be open nights or on Sundays and will not generate any potential noise impacts.

Finding:

D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities.

Facts in Support of Finding:

- D-1. The trapezoidal-shaped lot is approximately 41 feet by 128 feet (approximately 5,289 square feet in area), and is developed with a one-story building with a parking garage below. The garage is accessed from the alley to the rear and contains nine (9) parking spaces. The existing building and parking lot have functioned effectively with the current configuration.
- D-2. The proposed project includes interior alterations and an addition. The building has street and alley access and the project will not negatively affect emergency access.

Finding:

E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support of Finding:

- E-1. The proposed hours of operation of the facility are 9:00 a.m. to 5:00 p.m., Monday through Thursday, 9:00 a.m. to 6:00 p.m., Fridays, and 9:00 a.m. to 12:00 p.m., Saturdays. These limited hours will limit any late-night noise or parking impacts on the neighboring residential uses.
- E-2. The parking garage will provide nine (9) parking spaces, which is adequate to support the parking needs of the financial institution customers because the proposed floor plan provides for a limited customer area and there is potential for customers to walk and bicycle to the subject property from home, work, or another nearby business.
- E-3. To ensure that the employees of the facility do not negatively impact public parking within the residential neighborhood to the south, the applicant will purchase ten (10) parking permits for employee use in the nearby municipal parking lot. This is three (3) more parking permits than the number of parking spaces being waived.
- E-4 Based on the parking analyses described within the Coastal Land Use Plan and the 2008 Walker Parking Study, the parking waiver should not negatively impact the availability of public parking. The Walker Parking Study specifically found that the municipal lot nearby is underutilized and is less than 50 percent occupied.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach hereby approves Conditional Use Permit No. UP2010-031, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 20 th DAY OF JANUARY, 2011.
AYES:
NOES:
ABSTAIN:
ABSENT:
BY: Earl McDaniel, Chairman
BY: Michael Toerge, Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL

- 1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval)
- 2. The applicant or operator of the facility shall purchase ten (10) parking permits on an annual basis for employee parking in the nearby municipal facility on Fourth Avenue and Dahlia Avenue.
- 3. All proposed signs shall be in conformance with the provisions of Chapter 20.42 of the Newport Beach Municipal Code.
- 4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 5. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Conditional Use Permit.
- 6. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
- 7. This Conditional Use Permit may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
- 8. Any change in operational characteristics, expansion in area, or other modification to the approved plans, may require an amendment to this Conditional Use Permit or the processing of a new Conditional Use Permit.
- 9. Prior to issuance of building permits, approval from the California Coastal Commission shall be required.
- 10. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Department.
- 11. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if

in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

12. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

	Between t and 10:00F	he hours of 7:00AM PM	Between the hours 10:00PM and 7:00AM		of
Location	Interior	Exterior	Interior	Exterior	
Residential Property	45dBA	55dBA	40dBA	50dBA	
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA	
Mixed Use Property	45dBA	60dBA	45dBA	50dBA	
Commercial Property	N/A	65dBA	N/A	60dBA	

- 13. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
- 14. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
- 15. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
- 16. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
- 17. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Planning Director, which may require an amendment to this Conditional Use Permit.

- 18. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
- 19. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
- 20. Conditional Use Permit No. 2010-031 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- 21. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval Farmers and Merchants Bank Parking Waiver including, but not limited to, Conditional Use Permit No. UP2010-031 and the determination that the project is exempt under the requirements of the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Applicant's Project Description



<u>FARMERS + MERCHANTS BANK - CDM Branch</u> 2421 E. Coast Hwy., Corona del Mar, CA 92625 Director's Parking Waiver / UP Application - Support Materials

October, 2010

PROJECT DESCRIPTION

The subject property is located at 2421 E. Coast Hwy., Corona del Mar, CA and consists of an existing 2,873 SF. retail commercial building with 632 SF. of Mezzanine space (to be demolished), and a 4,430 SF. lower level Basement parking Garage, on a 5,289 SF. commercial lot in the RSC Zone / Corridor Commercial District, at the SW corner of PCH and MacArthur Blvd. The existing building is to be completely renovated and updated, together with a new addition of 1132 SF. at the existing rear deck location (less 632 SF. of Mezzanine removal = 500 SF. net addition at rear), a small addition at the recessed front entry of 39 SF., and a reduction of 81 SF. at the front façade, for a net total area of 3,963 SF.

The existing Parking Garage has ten (10) conforming spaces, with another smaller space next to the existing electrical switchgear. The Garage is proposed to be fully renovated, brought up to current codes with full accessibility compliance. A 'van accessible' space with required striping is to be added, together with a new elevator (to the main / street level above), secure trash enclosure, and utility room. The net standard number of parking spaces in the renovated Garage is proposed to be nine (9).

This proposal is for Farmers + Merchants Bank (FMB) a conforming / permitted use, to utilize their property for the new Corona del Mar branch, including customer parking on a 'self-park' basis at the existing Basement level Garage (to be fully renovated), and to purchase ten annual (10) passes for their employee parking (8 to 10 employees at peak times) at the nearby Municipal Lot at 4th and Dahlia Ave. FMB also plans to continue the lease of the lower level garage parking to a nearby restaurant for their valet parking during evening hours.

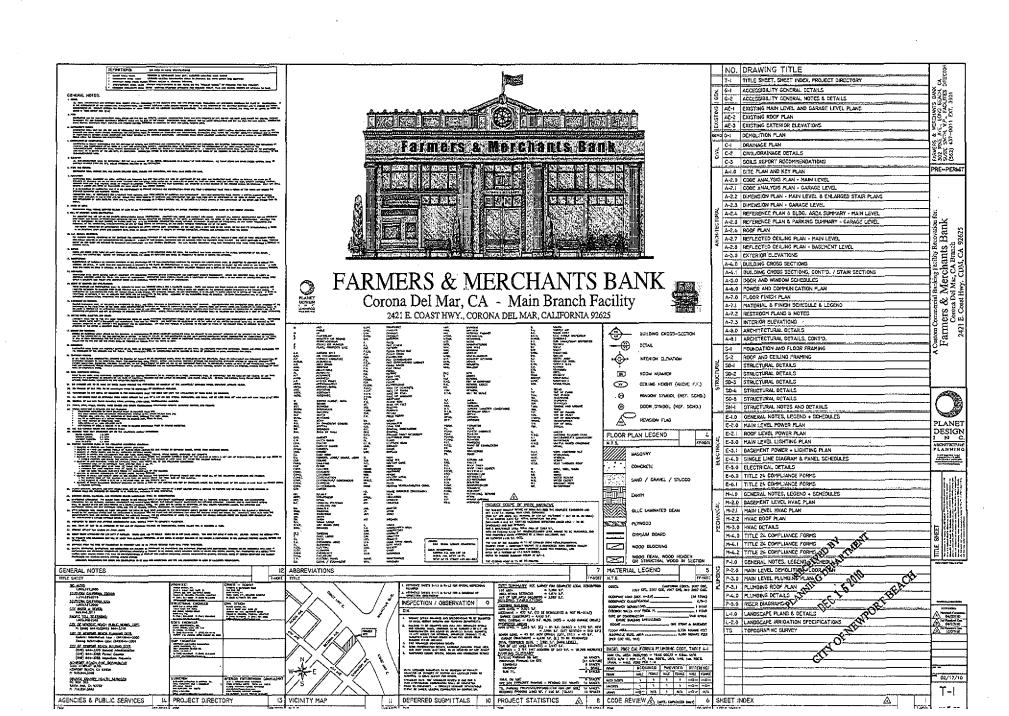
The application is for a 'Director's Waiver' of the required onsite employee parking and utilization of the Municipal Lot about a block or so away. The 'Public' (non-employee) space within the branch is to be about 1184 SF., and at 250 SF. per space that would require five (5), while nine (9) parking spaces are proposed to be provided in the renovated parking Garage. The proposed number of passes to be purchased will easily meet FMB employee parking needs, and the proximity of the lot to the bank is very convenient. Please refer to the attached 'Background Information' as well as 'Justifications and Findings' for additional information. We sincerely appreciate your consideration of this application, and our office is available at your convenience to provide any additionally requested information.

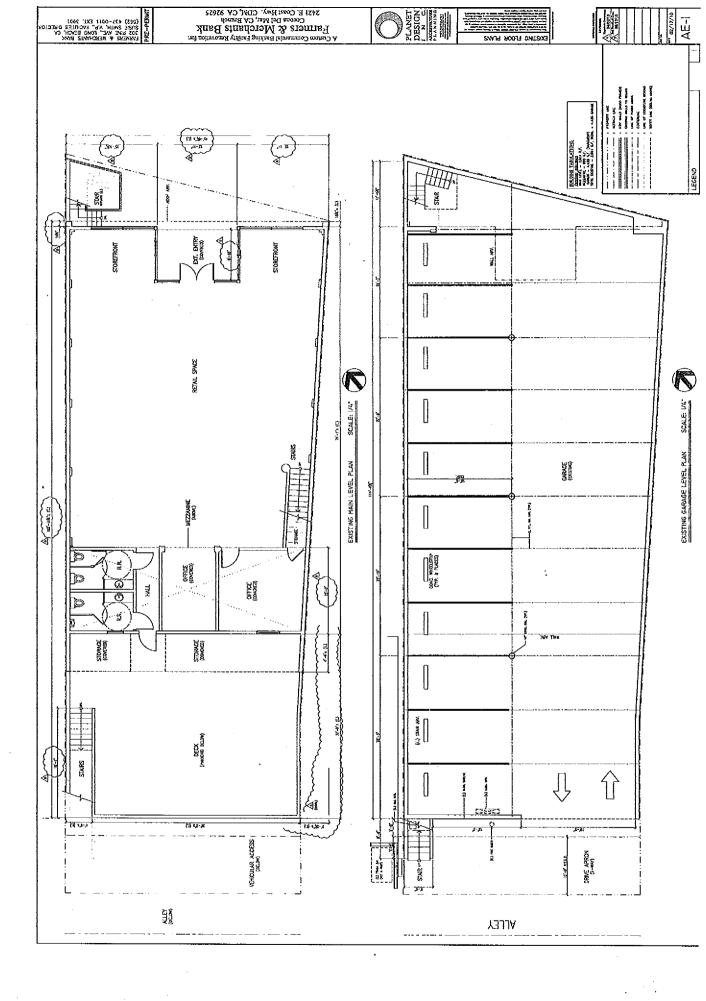
Respectfully, PLANET DESIGN

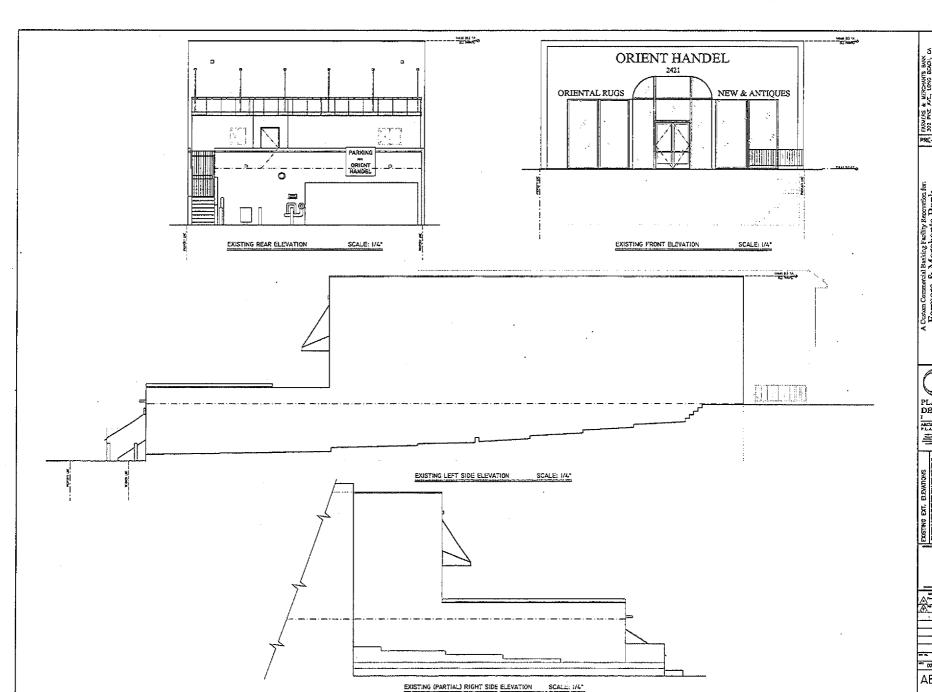
unique design solutions for a small world...

2435 East Coast Highway Ste. 7 Corona del Mar, CA 92625 Tel: USA 949.721.5500 x221 Fax: 949.721.5502 www.PlanetDesignInc.com

Project Plans



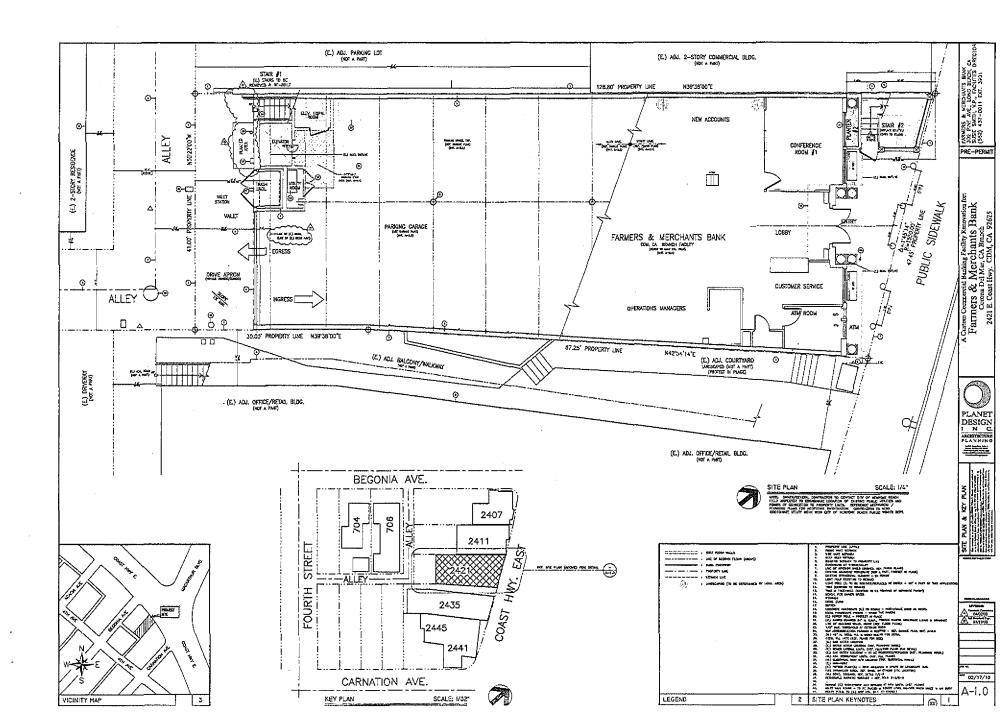


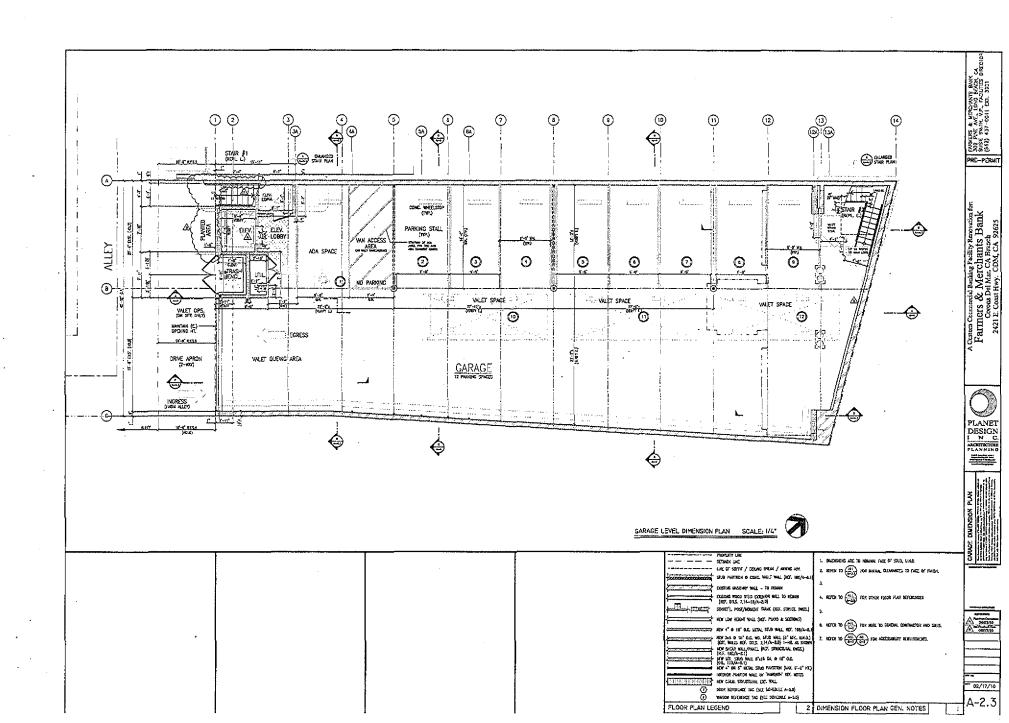


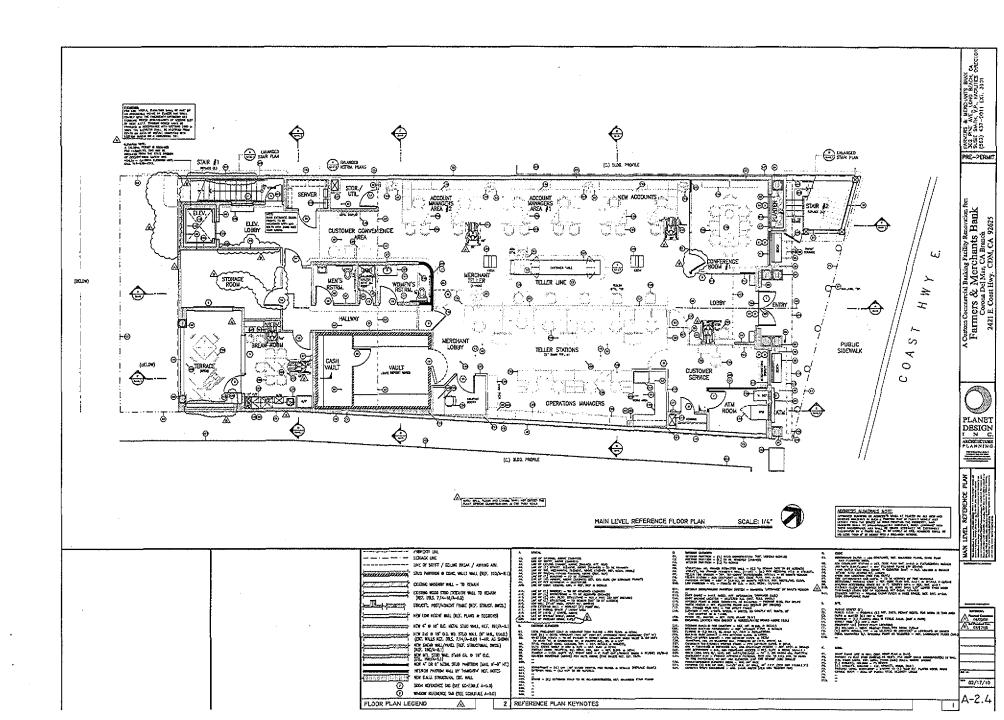
A FRANCS & MECHANT BANK
TO THE AVE. HOUSE BEACH, DA
SISTE SAUR, VP., FROUNTS OVECTOR
(582) 437-6011 DR. 3301

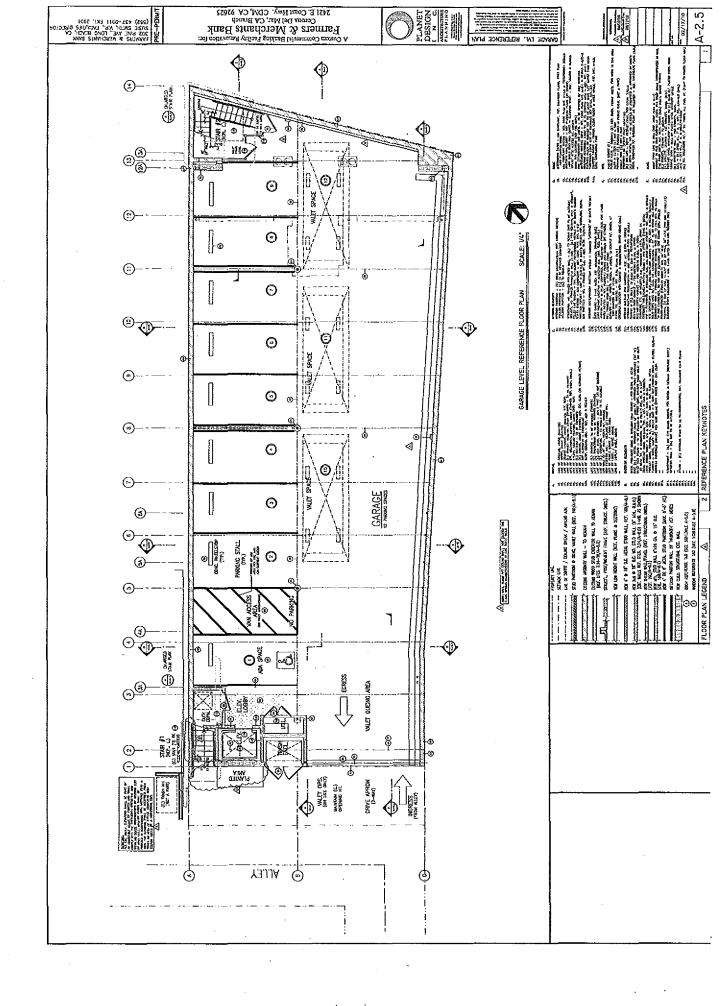
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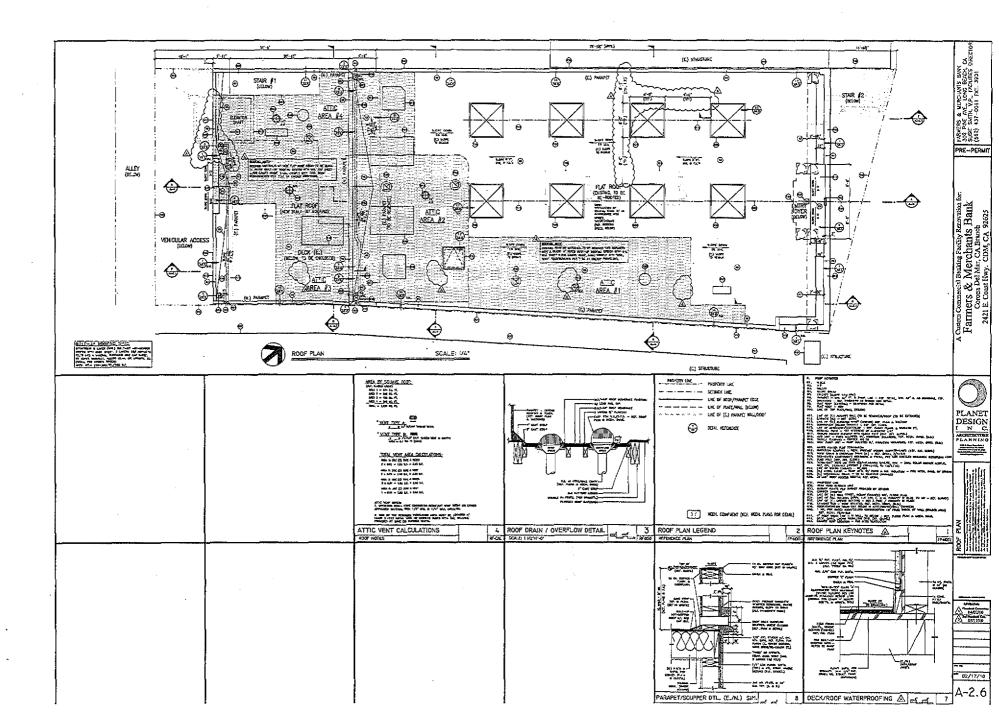
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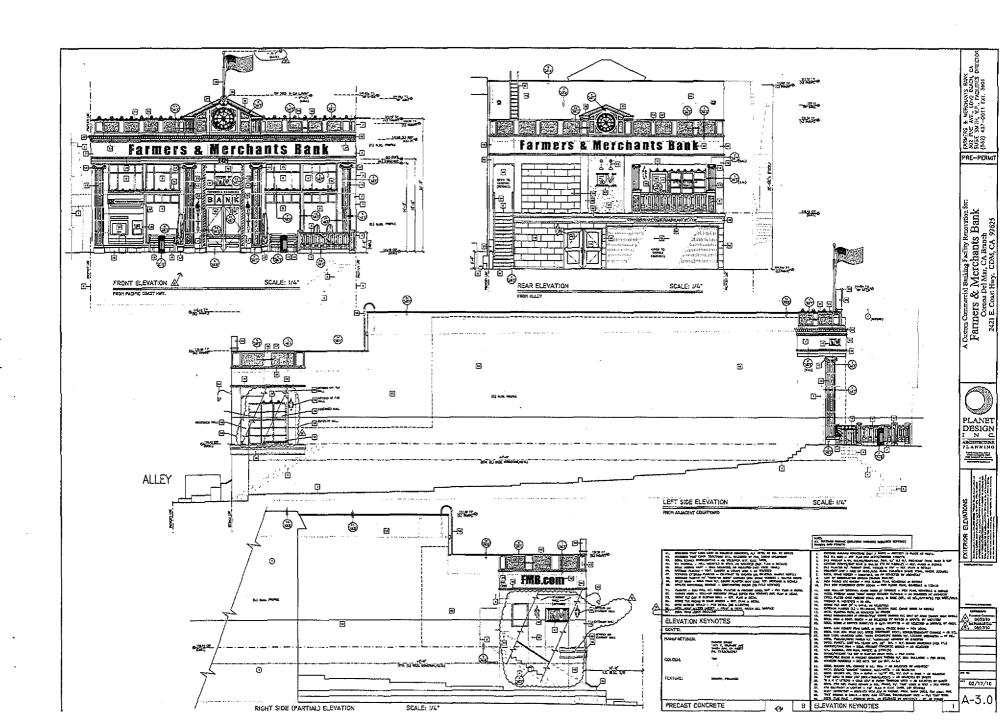












Presentation F&M Bank Parking Waiver

Burns, Marlene

From: Nueno, Fern

Sent: Tuesday, January 18, 2011 8:26 AM

To: Burns, Marlene

Cc: Olson, Gaylene; Garciamay, Ruby
Subject: FW: F & M parking wavier PA2010-141

Attachments: J Peters F&M.pdf

Item No. 4a PA2010-141

Fern Nueno, LEED AP
Assistant Planner
fnueno@newportbeachca.gov
(949) 644-3227

City of Newport Beach | Planning Department | 3300 Newport Blvd | Newport Beach, CA 92663 A responsive, knowledgeable team of professionals guiding community development in the public interest.

----Original Message-----

From: Jackie [mailto:jackie@theworkofart.com]

Sent: Friday, January 14, 2011 5:07 PM

To: Nueno, Fern

Subject: F & M parking wavier PA2010-141

hi Fern,

Thanks for your call, we'll be at the meeting next Thursday.

Wanted to be sure our presentation is printed and distributed to the commission.

thanks very much,

Jackie

please deny

wavier of

insufficient parking

Residents bear the burden of parking congestion

parking for employees require paid off-site

consistent with the requirements ordered for El Ranchito

CORONA DEL MAR

PARKING POLICY PLAN



PAGE 1

DATE: December 18, 2008 - Revised

TO: Leigh De Santis

COMPANY: City of Newport Beach

FROM: Mark Linsenmayer

Steffen Turoff

PROJECT NAME: City of Newport Beach - Corona del Mar

PROJECT NUMBER: 37-7990.00

SUBJECT: Municipal Parking Study – Corona del Mar

2550 Hollywood Way, Suite

303

Burbank, CA 91505

Voice: 818.953.9130 Fax: 818.953.9331 www.walkerparking.com

EXECUTIVE SUMMARY

While most areas of Corona del Mar have adequate public parking available, there are areas that experience significant parking deficits. These areas include the western part of Coast Highway from Avocado Avenue to Dahlia Avenue and the adjacent residential areas, particularly on the south side of Coast Highway. The Corona del Mar Plaza also experiences extremely high occupancy during peak demand periods. Based on our findings and input from the community, we propose increasing parking management efforts in the areas of greatest impact and along Coast Highway to include paid parking using multi-space or pay-and-display meters. This may have the effect of pushing some vehicles into the residential areas of Corona del Mar; we therefore recommend that the surrounding areas establish residential parking permit areas or strictly enforce time-limits in the impacted areas.

Figure 1: Peak Parking Occupancy Demand - On-Street (Weekend)

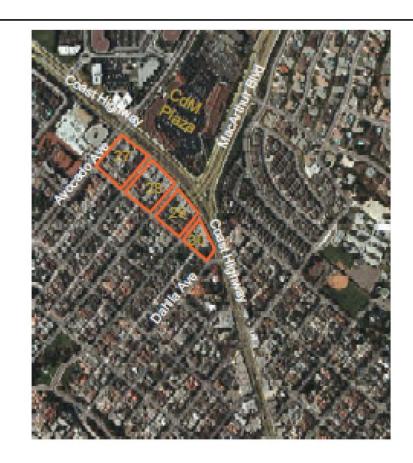


Residential Areas 27, 28, 29, 30

90% impacted

Table 3: License Plate Inventories

Hours	Vehicles	auglamare
1	182	customers
2	67	
3	41	
4	34	
5	13	
6	9	
7	16	
8	11	employees 6+ hours
9	10	6+ hours
10	28	
Total	411	



Source: Walker Parking Consultants, 2008

parking impact on neighborhood coming from restaurant customers and employees

RECOMMENDATIONS FROM THE COMMUNITY

THE PROGRAM

In response to the parking policy recommendations developed by Walker for Corona del Mar in its report dated September 10, 2008, the community and the City jointly created a separate set of parking policy recommendations to be included in a one-year test program for the area (referred to in this section as the Community Plan). Under the Plan, Walker's proposed recommendations would be considered as a possible long-term policy solution if the incremental approach within the Community Plan did not produce the desired results.

The Community test program is to be comprised of the following policy points:

- Coast Highway will be subject to "highly enforced" two-hour time limits along the entire length of the study area.
- One block into the residential area along the south side of Coast Highway from Avocado to Heliotrope, residents are to receive up to three residential on-street parking permits per household, good for one year from the time that the test program is implemented. Should the test program become permanent, it would be required that residents demonstrate to the City that their required off-street parking is "functional" in order to receive permits.
- "Cover" the parking meters in the public parking lot located on Carnation, thus making them free.
 The purpose of this policy is to encourage employees in the area that would be subjected to residential permits to park in this lot rather than on the street. According to the Plan, the policy is

Please make the test program permanent

PAGE 33

- directed toward those employees whose businesses either A) currently do not direct them per CUPs to park in a specific location or B) whose employers have leased off-street spaces for them.
- Prohibit overnight parking in the public lot on Carnation. Should overnight parking "become a problem," enforcement would be implemented to "clear" it.
- Improve directional signage for parking in the area.

It is proposed that after six, and possibly nine months, occupancy and LPI (vehicle length of stay) analyses would be performed along Coast Highway and the residential streets subject to the parking permit program to determine the effectiveness of the program. If the results that are sought are not observed, metering parking along Coast Highway from either Avocado to Goldenrod or potentially the length of the study area would be considered. The metered parking spaces would be subject to two-hour time limits and meters would accept a variety of payment types, including credit cards.

Correspondence Item No. 4b

Burns, Marlene Item No. 4b

From: Nueno, Fern

Sent: Tuesday, January 18, 2011 8:29 AM Burns, Marlene: Alford, Patrick

Cc: Olson, Gaylene; Garciamay, Ruby; Campbell, James

Subject: FW: Support for F & M Bank Parking Waiver

F&M Bank Parking Waiver PA2010-141

Fern Nueno, LEED AP Assistant Planner fnueno@newportbeachca.gov (949) 644-3227

> <u>City of Newport Beach</u> | <u>Planning Department</u> | 3300 Newport Blvd | Newport Beach, CA 92663 A responsive, knowledgeable team of professionals guiding community development in the public interest.

From: Dennis Baker [mailto:Dennis.Baker@spamcop.net]

Sent: Monday, January 17, 2011 9:03 PM

To: emcdaniel@sunwestbank.com

Cc: cwunsworth@roadrunner.com; eaton727@earthlink.net; rhawkins@earthlink.net; strataland@earthlink.net;

ameri@rbf.com; bhillgren@highrhodes.com; Nueno, Fern; info@planetdesigninc.com

Subject: Support for F & M Bank Parking Waiver

Project File No. PA2010-141

Chairman McDaniel and Commissioners,

We are going to be out of town on the 20th, so can't attend the hearing. Instead we are writing to support F & M Bank in their request for a Parking Waiver. We live directly behind the building and the entrance to the underground parking is about 20 feet from our garage. We are the most directly affected residents regarding this waiver.

We support the presence of the bank and believe they will be a good neighbor and be a positive addition to the neighborhood. The fact that they will not be using their parking during evening hours and holidays and will surely lease that parking to the restaurants in the area for valet parking will help with the restaurant parking problem we have in this area. We feel comfortable with the 9 spaces below for customers and believe this will be adequate since the parking demand is extremely low for a bank compared to a restaurant, of which many in the area are already greatly under parked. They should, however make arrangements for the employees to park off site and not on the streets. This could be accomplished by arranging with the city to purchase permits for the use of the public parking lot on Dahlia, a short walk from the site or at some other off street site.

Please give strong consideration to granting them the requested parking waiver.

Dennis and Diane Baker 706 ½ Begonia Avenue CDM 949.675.2199



CITY OF NEWPORT BEACH

PLANNING DEPARTMENT

January 19, 2011

Bill Edwards Planet Design, Inc. 2435 E. Coast Highway, Suite 7 Corona del Mar, CA 92625

Re: Farmers and Merchants Bank parking waiver (PA2010-141)

Dear Mr. Edwards:

We understand that your application for a parking waiver associated with the Farmers and Merchants Bank project will be considered by the Planning Commission at their January 20, 2011 meeting. Economic Development staff submitted project review comments, incorporated into the staff report, in support of this parking waiver. We understand that the number of parking spaces requested for waiver is slightly higher than originally presented; nonetheless, staff stands by their original comments, quoted below, in continued support of this project.

The Economic Development Division supports the proposed Farmers and Merchants Bank project and requested waiver of [7] parking spaces. Economic Development staff understands that the applicant will purchase 10 annual passes for their employees to park in the underutilized (less than 50% occupied) municipal parking lot located one block away at 4th Street and Dahlia, leaving 9 parking spaces in the underground garage for the use of customers. The use of this municipal parking lot as an employee-only lot is discussed as a community recommendation in the 2008 Corona del Mar Parking Study [Walker Parking Consultants] to help minimize the parking congestion in this area of Corona del Mar. The proposal of Farmers and Merchants Bank is consistent with this approach.

We wish you success with this project and your future endeavors.

Sincerely.

Leigh DeSantis

Economic Development Administrator Economic Development Division

Eigh M. We Santis

Economic Development Division

Correspondence Item No. 4e F&M Parking Waiver

Burns, Marlene

PA2010-141

From: Nueno, Fern

Sent: Thursday, January 20, 2011 9:35 AM

To: Burns, Marlene Subject: FW: F & M Bank

Please forward to the commissioners. Thanks.

Fern Nueno, LEED AP
Assistant Planner
fnueno@newportbeachca.gov
(949) 644-3227

City of Newport Beach | Planning Department | 3300 Newport Blvd | Newport Beach, CA 92663 A responsive, knowledgeable team of professionals guiding community development in the public interest.

-----Original Message-----

From: James Patricola [mailto:Mile7@cox.net] Sent: Thursday, January 20, 2011 6:59 AM To: Nueno, Fern; suze@planetdesigninc.com

Subject: F & M Bank

> Project File No. PA2010-141

>

> Chairman McDaniel and Commissioners,

>

- > I am writing to express my support of F & M Bank in their request
- > for a
- > Parking Waiver. Certainly once granted and the bank's long awaited
- > project commenced and completed, both local area residents and
- > businesses will greatly benefit as a result of F & M Bank's investment
- > in Corona del Mar.

>

- > Any and every accommodation available to the Commission, on behalf of
- > F & M Bank, I therefore believe should be made.

>

- >
- > Heidi Patricola
- > Owner, Rothschild's Restaurant
- > 949 673 3750

Correspondence
Item No. 4g
F&M Bank Parking Waiver
PA2010-141

Correspondence received at the meeting in support of the application.

Use Permit No. UP2010-031 (PA2010-141)

NOTICE IS HEREBY GIVEN that on **Thursday**, **January 20, 2011**, at **6:30 p.m.**, a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

F & M Bank Parking Waiver — A use permit application for a parking waiver to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505 square-foot building, for a total of 3,964 square feet. The property is nonconforming due to insufficient parking because 16 parking spaces are required with the proposed addition and only 9 parking spaces are provided.

Project File No.: PA2010-141 Activity No.: UP2010-031

Zone: CC (Commercial Corridor)

General Plan: CC (Corridor Commercial) Location: 2421 East Coast Highway

Print Name .	Signature	Address
Amber Nicker	son Capilia Min	- 213 Dallea Ave.
Jal ISM 14th	200	Dahlia 92625
Michae G.J.Co	emp Thechele	- 222 GOCD WROD AVE
the set of the sent		,
Carol La	mp Cand Zas	222 Goldenrod
Chris Jan	IK Charle	2711 E. Coast Hay
Bianca Au	10 ml	GO9.5 POPPY!
Al Works Buch	tow a	251S E (and Huy
enrifer Ross	Jen Fee Kor	2445-ECOST HWY
ENENEST SCHOOLDE	is Just John	2411 E. GAST HWY, #306
Terry HARDISTY	TAMP	2411 E. Const 124, Some 300

NOTICE IS HEREBY GIVEN that on Thursday, January 20, 2011, at 6:30 p.m., a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

F & M Bank Parking Waiver – A use permit application for a parking waiver to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505 square-foot building, for a total of 3,964 square feet. The property is nonconforming due to insufficient parking because 16 parking spaces are required with the proposed addition and only 9 parking spaces are provided.

Project File No.: PA2010-141 Activity No.: UP2010-031

Zone: CC (Commercial Corridor)

General Plan: CC (Corridor Commercial) Location: 2421 East Coast Highway

Print Name	Signature	Address
mottini Leathe	is Bonus	2721 E COUST HY 20 COM, CA 949 XXX
Karen Dinh	Ilen	2411 E. coast thing en
Asia Pham	SISK	2+11 € Coast Huy Ste 300 Coron. Del Mer 926
In the way	4 9/1/2	ESPITE CORT HUNG
Debbie Howard	Deltre House	uch 24075 PCI+ 93625
aves Prox	1	2345 E PCH CDM
Carol Demos	8 Carol Well	LOS D345 E. Ciastillioy B
GARY MULL	/m	2443 F. CUPST 15W1/
Ha & Emil Cresp	in Lila & Emil Cr	espin 707 Begonia Ave. Call

NOTICE IS HEREBY GIVEN that on Thursday, January 20, 2011, at 6:30 p.m., a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

F & M Bank Parking Waiver – A use permit application for a parking waiver to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505 square-foot building, for a total of 3,964 square feet. The property is nonconforming due to insufficient parking because 16 parking spaces are required with the proposed addition and only 9 parking spaces are provided.

Project File No.: PA2010-141 Activity No.: UP2010-031

Zone: CC (Commercial Corridor)

General Plan: CC (Corridor Commercial) Location: 2421 East Coast Highway

Print Name	Signature	Address
Tam Harris	J. 111.	2435 P1H
Diamy Schou	1100 MIIII	- 2435 E/H
9 Varlant	Muller	2731 ECH
JASON MARRAR	11 MM	2345 EUH
Michael Donner	Im	703 CARDAGO AUE

D. 22

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, January 20, 2011, at 6:30 p.m., a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

F & M Bank Parking Waiver – A use permit application for a parking waiver to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505 square-foot building, for a total of 3,964 square feet. The property is nonconforming due to insufficient parking because 16 parking spaces are required with the proposed addition and only 9 parking spaces are provided.

Project File No.: PA2010-141
Activity No.: UP2010-031
Zone: CC (Commercial Corridor)

General Plan: CC (Corridor Commercial) Location: 2421 East Coast Highway

Print Name	Signature	Address
Michele OB	ier MSObres	DI Packide Wy CDM
Marlene Ge	ren Males	212 Lewespir COM
Danio Gover		24 Jupiter Hills NB
Karen Ferna	. 11/	des 607 1/2 Begonce CDA
John Nick	erson Solulle	U 213. Dahlin Ave co
RELIVEN MI	NT2 ///	COM, CA 92625
	11/15	

Br 22

NOTICE OF PUBLIC HEARING

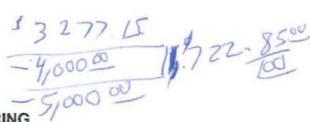
NOTICE IS HEREBY GIVEN that on Thursday, January 20, 2011, at 6:30 p.m., a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

F & M Bank Parking Waiver – A use permit application for a parking waiver to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505 square-foot building, for a total of 3,964 square feet. The property is nonconforming due to insufficient parking because 16 parking spaces are required with the proposed addition and only 9 parking spaces are provided.

Project File No.: PA2010-141
Activity No.: UP2010-031
Zone: CC (Commercial Corridor)

General Plan: CC (Corridor Commercial) Location: 2421 East Coast Highway

Print Name	Signature	Address	
Michael Naum	w affrum	non 122 Com/ Ave, 19262	
JAMES R. ISH	11	1438 SEA RIOGE DR	H 92
Marlone Hos	150 Mailos	1438 SEA 21065 DR.	SIK
Thelin Stan	WILLIAS RAM	NSER 1529 LINCOLN LAWEND	366
RANdy Julian	(1) 11 1	FOSTA MESA CA 92627	10/2
PATREK E. WHALEN	1 The Whale	Newsont Black 9266	
ANDENTA Stansfil	il f/ Stansfur	il 14531 Penle to 92649	
For Stansfill	Din Gans	ful " "	
Mark Schooner	ry Mark So	New Part Beach Ca. 92661	
Ann Watt	Par Wall	2026/ Spruce Ave	
SARY FLAKE	A.M	2 M. NE 18 T3916 10	



22

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, January 20, 2011, at 6:30 p.m., a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

F & M Bank Parking Waiver – A use permit application for a parking waiver to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505 square-foot building, for a total of 3,964 square feet. The property is nonconforming due to insufficient parking because 16 parking spaces are required with the proposed addition and only 9 parking spaces are provided.

Project File No.: PA2010-141 Activity No.: UP2010-031

Zone: CC (Commercial Corridor)

General Plan: CC (Corridor Commercial) Location: 2421 East Coast Highway

Print Name	Signature	Address
W.S. mclosk	1/2	Wings 9266.
rella-	HAR Seans	1131 EMERA DBY LATINA BEEN
TUSTEN WALLER		\$ 1601 POVE, STE 195 MENTET,
IVAH MAY RAU	I rak may to	au 2017 Contella P. Nenport B
Robert McFarland	Ott Moderal	130 Nowport Contac Dr. NB 92
RANDY JULIAN	Resolut	2217 MAYKAIR COURT COSTA MESA
1	70	7.

NOTICE IS HEREBY GIVEN that on **Thursday**, **January 20, 2011**, at **6:30 p.m.**, a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

F & M Bank Parking Waiver – A use permit application for a parking waiver to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505 square-foot building, for a total of 3,964 square feet. The property is nonconforming due to insufficient parking because 16 parking spaces are required with the proposed addition and only 9 parking spaces are provided.

Project File No.: PA2010-141
Activity No.: UP2010-031
Zone: CC (Commercial Corridor)

General Plan: CC (Corridor Commercial) Location: 2421 East Coast Highway

Print Name	Signature / /	Address
Polar Keeler		2690 Point del Way
STEVE GEAM	1 Solubor	504 Marguerite Am
MONICA MOOR	Moves Morel	429 MARIGO ED ane
David Huary	S Piel	205 marine Are in CA, 94
Evic Nowa		1401 Doe St Abusert Bl CH9
David Sparks	De R Regge	Newport Beach CA A916 BILL H ST N.B. 92660
OSCMEW) J.F.LINDSO	I ISNOPT Thomas	4916 BIKCH ST

NOTICE IS HEREBY GIVEN that on **Thursday**, **January 20, 2011**, at **6:30 p.m.**, a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

F & M Bank Parking Waiver — A use permit application for a parking waiver to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505 square-foot building, for a total of 3,964 square feet. The property is nonconforming due to insufficient parking because 16 parking spaces are required with the proposed addition and only 9 parking spaces are provided.

Project File No.: PA2010-141 Activity No.: UP2010-031

Zone: CC (Commercial Corridor)

General Plan: CC (Corridor Commercial) Location: 2421 East Coast Highway

Print Name	Signature	Address
Imber Nickenson	Anlew Uni	213 Dahlis
PAYLLA F. NEWBERG -	Mich & Denfoy	360 villa Point Dry
Robert LShel	The July	4012. Ing/156
D CORPER	ON A TOURS IN L	289 Neugh Blush
Vinces Valdes	happy by the	1615 Mariners Dr.
Sandra Camery	Blen	714 Fornlead com
DANIEL E. PARR	Cand E. De	140 JASMINE CRUX DR COM
Parbara RohiF	Barbara Samo	
Grazing Caponera	Gengin Capeners	24 Belfort reupent

22

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, January 20, 2011, at 6:30 p.m., a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

F & M Bank Parking Waiver – A use permit application for a parking waiver to allow the addition of approximately 450 square feet of gross floor area to an existing 3,505 square-foot building, for a total of 3,964 square feet. The property is nonconforming due to insufficient parking because 16 parking spaces are required with the proposed addition and only 9 parking spaces are provided.

Project File No.: PA2010-141 Activity No.: UP2010-031

Zone: CC (Commercial Corridor)

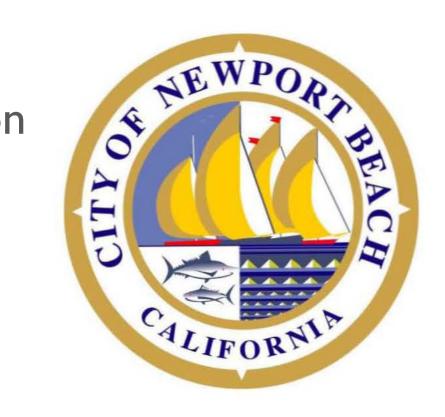
General Plan: CC (Corridor Commercial) Location: 2421 East Coast Highway

Print Name	Signature	Address	
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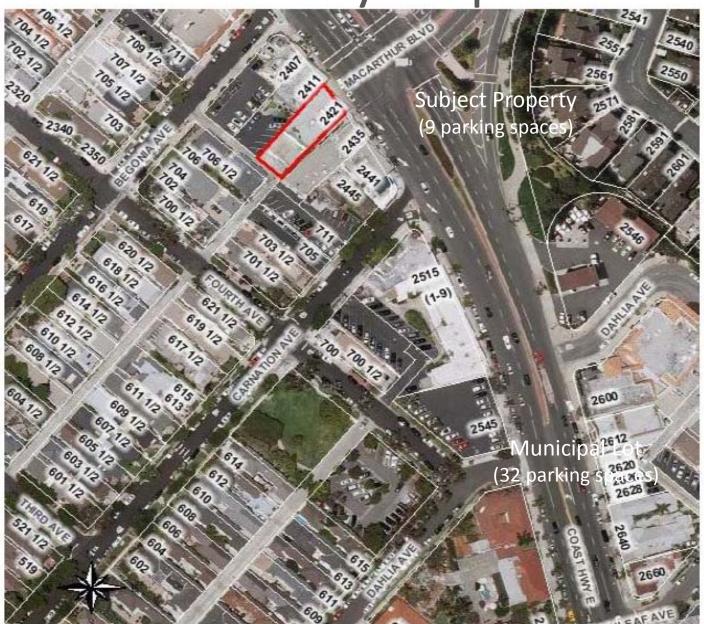
Farmers & Merchants Bank

2421 East Coast Highway
Use Permit No. UP2010-031 (PA2010-141)

Planning Commission
Public Hearing
January 20, 2011



Vicinity Map



Walker Parking Consultants Study Results for CdM



Municipal Lot is located within Block 45

Walker Parking Consultants Study Results for CdM



F & M Bank is located within Block 29

Municipal Lot Block 45 (32 parking spaces) Fourth Avenue and Dahlia Avenue

0	Occupancies			cupanci	es
Thursday, May 15, 2008			Saturda	ay, May 17	7, 2008
10:00	1:00	7:00	10:00	1:00	7:00
a.m.	p.m.	p.m.	a.m.	p.m.	p.m.
15	16	18	14	17	7
47%	50%	56%	44%	53%	22%

On-Street Occupancy Counts

Block 29 (30 parking spaces)
Begonia Avenue, East Coast Highway,
Carnation Avenue, and Fourth Avenue

0	Occupancies			cupanci	es
Thursday, May 15, 2008			Saturday, May 17, 2008		
10:00	1:00	7:00	10:00	1:00	7:00
a.m.	p.m.	p.m.	a.m.	p.m.	p.m.
29	24	26	27	25	25
97%	80%	87%	90%	83%	83%

On-Street Weekday Peak Occupancy



Off-Street Weekday Peak Occupancy



On-Street Weekend Peak Occupancy



Off-Street Weekend Peak Occupancy



Aggregate Weekday Peak Occupancy



Aggregate Weekend Peak Occupancy







Farmers and Merchants Bank Corona del Mar, CA - Main Branch Facility

> Designed by: Planet Design William R. Edwards, Architect



F&M Bank PA2010-141 Parking 4 f Waiver

Presentation

Farmers + Merchants Bank Corona del Mar, CA Branch

Farmers & Merchants) Bank 1907-2007 CELEBRATING 100 YEARS

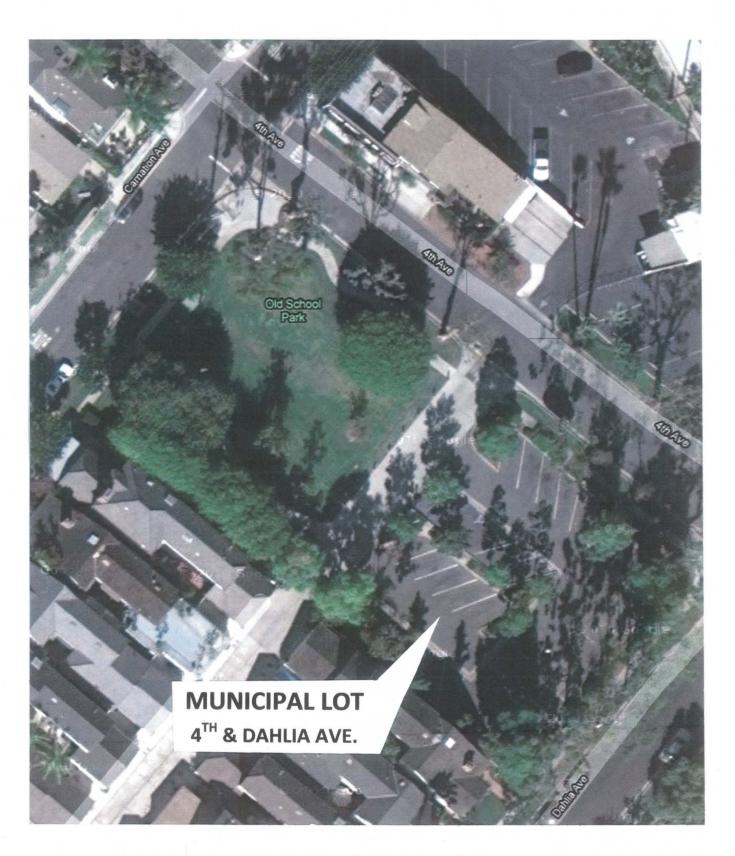
REAR ELEVATION @ ALLEY FRONTAGE







AERIAL VIEW OF F + M BANK
AND MUNICIPAL LOT



DETAILED AERIAL OF
MUNICIPAL LOT

MODIFICATION OR WAIVER OF OFF-STREET PARKING REQUIREMENTS (20.66.100)

Municipal parking facility (4th and Dahlia) is located so as to be useful in connection with the proposed use - only one block away from FMB employee place of work. Per the CdM 2008 Walker Parking Study and recommendations as well as Planet Design / FMB observations over the past four (4) months with own documentation, it is clear that the lot is underutilized and that there is sufficient surplus available to Bank employees during their daytime business hours.

The parking demand will also most likely be less than the code requirement as the net public area is significantly reduced due to lesser areas of usage-such as the large Vault, Storage, ATM Room, Elevator, Utilities, etc. In addition, per FMB - the other branches experience less demand for parking due to walk - in customers, etc. Long term occupancy of the building should not generate additional parking demand. It's a local community serving bank, within walking distance for many business patrons and residential customers.

FMB also encourages employees who live in the local area to walk to work. In addition, FMB is also providing bicycle racks at both the Main Level at PCH frontage, and within the basement parking Garage off the Alley, both racks on —site, to encourage alternative means of transportation.

WHY SHOULD THE FMB PARKING WAIVER BE APPROVED?

- Municipal lot at 4th and Dahlia is underutilized / less attractive to business customers, but advantageous and desirable to employees who park and work nearby all-day.
- Guaranteed annual revenue for the City with FMB purchase of ten (10) annual passes.
- Reduction in on-street parking, additional trip counts, traffic congestion / searching for available parking.
- Self-enforced, no extra city time and expense involved.
- Building to be fully renovated and brought to compliance with all codes and accessibility, including ADA parking.
- FMB also assists with overall local parking management by offering its Garage parking for after – hours local restaurant usage with their evening overflow valet parking, thus reducing congestion and need for customer street parking as an alternative.

CORONA DEL MAR PARKING POLICY PLAN BY WALKER CONSULTANTS 12/18/2008

PAGE 10 – 'OVERALL, THERE IS SUFFICIENT PARKING IN CORONA DEL MAR TO SUPPORT THE CURRENT LAND USES'. '...THERE IS USUALLY AVAILABLE PARKING NEARBY'

PAGE 9 – 'OFF-STREET PARKING REQUIRES GENERALLY 90 – 95% OF THE FULL SUPPLY' (THIS WOULD EQUATE TO 28.8 – 30.4 SPACES AT THE SUBJECT 4TH AND DAHLIA LOT, SELDOM MORE THAN 15 SPACES USED, AS OBSERVED)

PAGE 28 – ALTERNATE 1. IMPLEMENT ADDITIONAL POLICIES TO MAKE UNDERUTILIZED PARKING IN THE AREA AVAILABLE, PARTICULARLY TO EMPLOYEES AND OTHER LONG TERM PARKERS...INCLUDING (PAGE 29) 'FACILITATE AGREEMENTS, EITHER BETWEEN BUSINESSES OR BETWEEN BUSINESSES AND THE CITY, FOR THE PURPOSES OF MAKING UNDERUTILIZED OFF-STREET PARKING AVAILABLE TO PARKERS'

PAGE 32 – RECOMMENDATIONS FROM THE COMMUNITY – "COVER' THE PARKING METERS IN THE PUBLIC PARKING LOT LOCATED ON CARNATION (4TH & DAHLIA - SUBJECT LOT) ... TO ENCOURAGE EMPLOYEES IN THE AREA TO PARK IN THIS LOT ... RATHER THAN ON THE STREET'. ALSO, 'PROHIBIT OVERNIGHT PARKING IN THE PUBLIC LOT ON CARNATION'.

EVALUATION OF COMMUNITY RECOMMENDATIONS – PAGE 36 'UN- METER THE CARNATION (4TH & DAHLIA) LOT. BECAUSE WALKER'S FIELD SURVEYS FOUND THAT THIS LOT IS OFTEN UNDERUTILIZED' '... IT COULD BE A VIABLE SOURCE OF PARKING FOR SOME EMPLOYEES AND REDUCE PARKING IMPACTS ON ON-STREET CUSTOMER SPACES'.

NOTE THAT BOTH OFF-STREET WEEKDAY AND WEEKEND PEAK OCCUPANCY FOR THE 4TH & DAHLIA LOT BLOCK (45) IS LESS THAN 50% (PER WALKER STUDY – APPENDIX B). ALSO, WALKER'S OFF-STREET OCCUPANCY COUNTS (PG. 3 OF 3) FOR THE ACTUAL 4TH & DAHLIA LOT FOR WEEKDAY DAYTIME BUSINESS HOURS WAS 15 (OF 32) OR < 50%, AND FOR SATURDAY MORNING 14 (OF 32) ALSO < 50%.



FMB - CDM LOCAL MUNICIPAL LOT - LOAD ANALYSIS

(Fourth & Dahlia Avenue Parking Lot Observations)

MONTH	WEEKDAYS (m-f) AM Avg. Usage/# Open	WEEKDAYS (m-f) PM Avg. Usage/# Open	SATURDAYS (9-12) Avg. Usage	AVERAGES
AUGUST	7.16 / 24.84 (77.6%)	10.40 / 21.6 (67.5%)	7.0 / 25.0 (78%)	8.18 / 23.81 (74.4%)
SEPTEMBER	6.10 / 25.90 (80.9%)	6.27 / 25.73 (80.4%)	9.20 / 22.8 (71.3%)	7.19 / 24.81 (77.5%)
OCTOBER(*)	3.25 / 28.75 (89.8%)	7.89 / 24.11 (75.3%)	8.07 / 23.93 (74.8%)	6.40 / 25.6 (80.0%)
DAILY AVGS.	5.50 / 26.49 (82.76%)	8.19 / 23.81 (74.4%)	8.09 / 23.91 (74.7%)	

KEY POINTS

THIS IS AN INFORMAL SURVEY OF THE PARKING USAGE AT THE 4^{TH} AND DAHLIA AVE. CNB MUNICIPAL LOT TAKEN DURING TYPICAL BUSINESS HOURS ON WEEKDAY MORNINGS (8 – 12) AND AFTERNOONS (12 – 6), AS WELL AS SATURDAYS (8-12) OVER MORE THAN A 2 – MONTH PERIOD, CONDUCTED BY PLANET DESIGN, THE FMB PROJECT ARCHITECTS. THIS IS NOT INTENDED TO BE A PROFESSIONAL SURVEY BUT THE PURPOSE AND RESULTS ACHIEVED CAN PROVIDE A GENERAL OVERVIEW OF THE TYPICAL USAGE OF THIS MUNICIPAL FACILITY, TO BE UTILIZED AS A GUIDELINE FOR THE FEASIBILITY AND IMPACT OF ITS USE AS A NEARBY, CONVENIENT AND ACCESSIBLE LOCATION FOR OFF-SITE PARKING TO BE PURCHASED FOR THE EMPLOYEES OF THE FARMERS + MERCHANTS BANK.

THE RESULTS OF THIS INFORMAL STUDY INDICATE THAT THERE IS TYPICALLY A SURPLUS OF AVAILABLE SPACES WELL IN EXCESS OF THE DESIRED NUMBER OF SPACES FOR THE FMB EMPLOYEES AT THIS NEARBY MUNICIPAL PARKING FACILITY, AVERAGING TEN (10 TO FIFTEEN (15) SPACES MORE THAN THE TEN (10) FMB SPACES (AT PEAK TIMES) REQUESTED. FMB DESIRES TO PURCHASE TEN (10) ANNUAL PARKING PASSES FOR THEIR EMPLOYEES USE AT THE NEW BANK FACILITY APPROXIMATELY ONE TO TWO BLOCKS AWAY FROM THE 4TH AND DAHLIA LOT.

(*) October 1, 2010 through October 7, 2010

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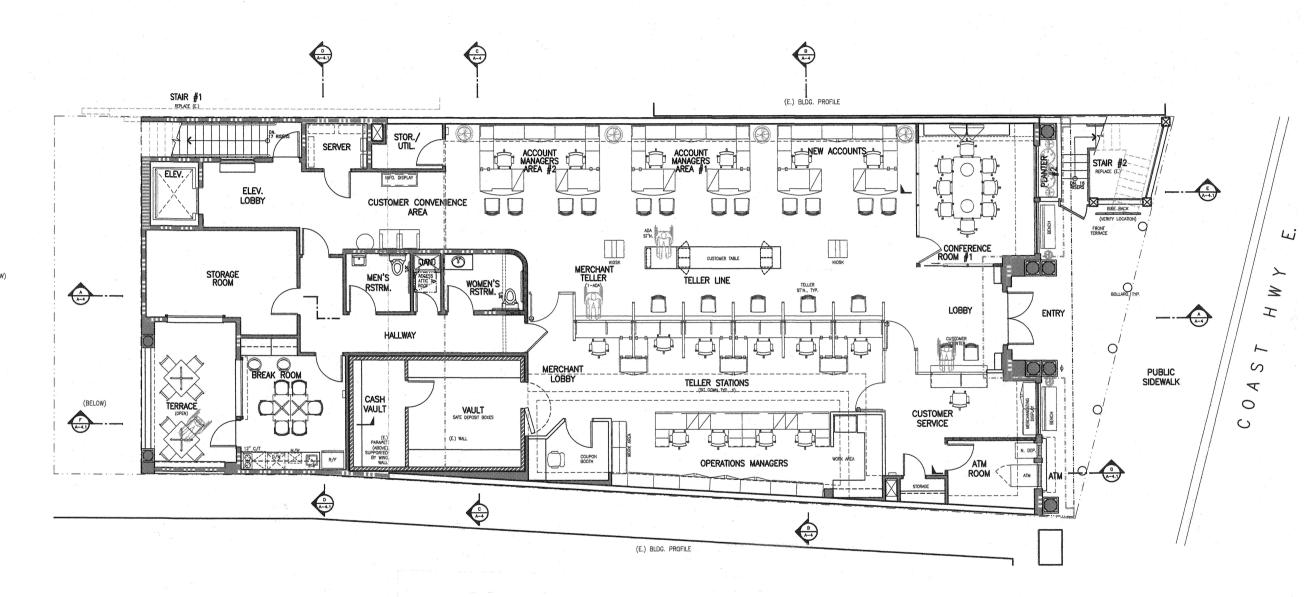


FMB - CDM LOCAL MUNICIPAL LOT - LOAD ANALYSIS

Fourth & Dahlia Avenue Parking Lot Observations November 19, 2010 - December 23, 2010 (*)

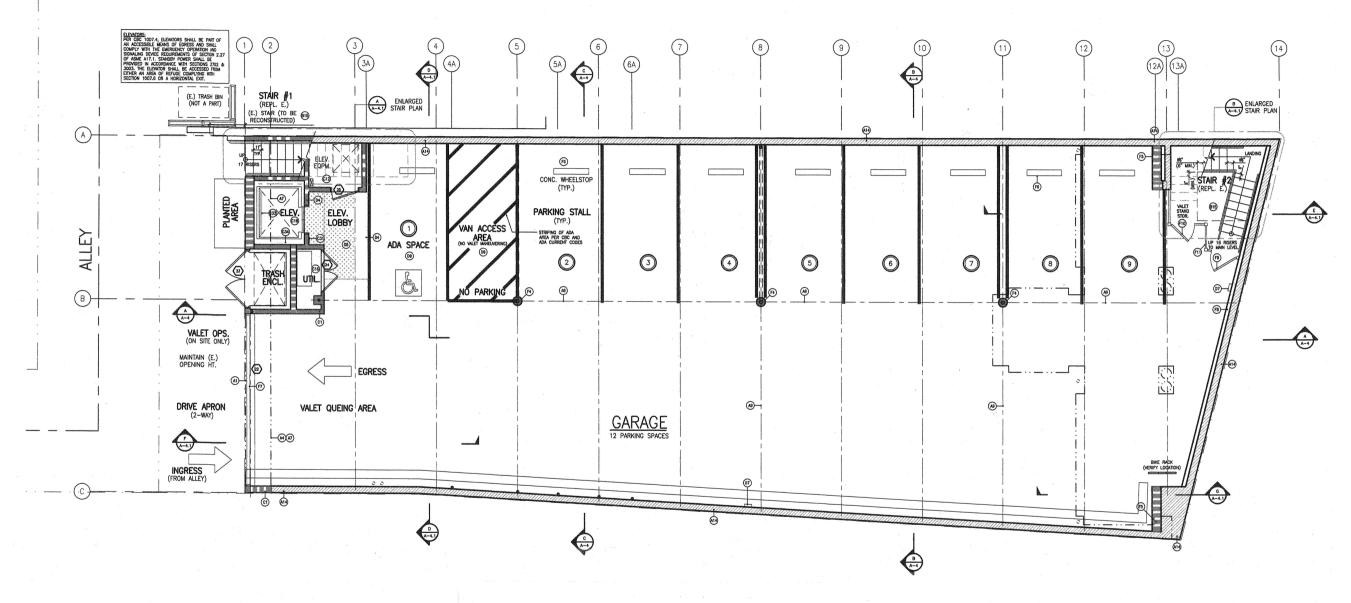
MONTH	WEEKDAYS (m-f) AM	WEEKDAYS (m-f) PM	SATURDAYS (9-12)	REMARKS
NOVEMBER (*)	7.19%	27.5%	12.8%	
DECEMBER (*)	24.55%	21.2%	18.75%	

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MAIN FLOOR LEVEL PLAN

AREA: 3,964 SF.



LOWER LEVEL GARAGE PLAN

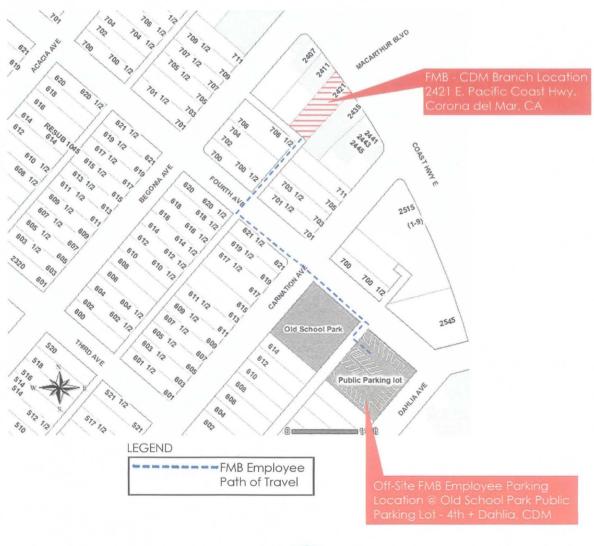
PARKING COUNT: NINE (9) SPACES



Farmers and Merchants Bank

Corona del Mar, CA Main Branch Facility

Employee Off-Site Parking Plan February, 2010





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2435 East Coast Highway Ste. 7 Corona del Mar, CA 92625 Tel: USA 949.721.5500 Fax: 949.721.5502 www.PlanetDesignInc.com